

# **Final Environmental Impact Statement**

## **Cottage Hill Landings**

Cottage Hill and Partition Streets

City of Rensselaer, Rensselaer County, New York

Draft EIS Accepted as Complete: October 14, 2008

Public Hearing November 10, 2008

Final EIS Submitted: November 16, 2009

Supplemental DEIS Submitted: March 9, 2010

Supplemental DEIS Accepted as Complete: April 12, 2010

Public Hearing: June 14, 2010

Close of Comment Period: June 28, 2010

Final EIS Submitted: October 15, 2010

Final EIS Accepted: February 14, 2011

Proposed Action: Cottage Hill Landings Residential Development

Location: Partition and Cottage Hill Streets, Rensselaer, NY

Applicant: Forum Industries, Inc.  
2 Dunsbach Road  
Clifton Park, New York 12065

Lead Agency: City of Rensselaer Planning Commission  
62 Washington Street  
Rensselaer, New York 12054  
Contact: Sarah Stern Crowell, AICP  
(518) 465 - 1693

Preparers of FEIS: The Chazen Companies  
547 River Street  
Troy, New York 12180  
Contact: Walter Kubow, PE  
(518) 266 – 7336

and

City of Rensselaer Planning Commission  
62 Washington Street  
Rensselaer, New York 12054

## **PARTICIPATING CONSULTANTS**

Applicant's Engineering & Planning Consultants:	The Chazen Companies 547 River Street Troy, New York 12180 Contact: Walter Kubow, PE 518. 266. 7336 <a href="http://www.chazencompanies.com">http://www.chazencompanies.com</a>
Applicant's Attorneys	Stockli Greene and Slevin 90 State Street Albany, NY 12207 Contact Mary Elizabeth Slevin, Esquire 518.449.3125
Applicant's Wetland & Ecological Consultant:	Copeland Environmental, LLC 208 Burke Road Saratoga Springs, New York, 133866-6466 Contact: Kim Copenhaver 518. 581. 0216 <a href="http://www.copelandenvironmental.com">http://www.copelandenvironmental.com</a>
Applicant's Archeological Consultant:	The Louis Berger Group, Inc. 20 Corporate Woods Blvd. Albany, NY 12211 Contact: Hope E. Luhman 518. 432. 9545 <a href="http://louisberger.com/">http://louisberger.com/</a>
Applicant's Traffic Consultant:	Creighton Manning Engineering, LLP 17 Computer Drive West Albany, NY 12205 – 1683 Contact: Alanna M. Moran 518. 446. 0396 <a href="http://www.cmellp.com">http://www.cmellp.com</a>

Applicant's Fiscal Consultant:	Camoin Associates 2392 Route 9 Malta, NY 12118 Contact: Rob Camoin 518. 899. 2608 <a href="http://www.camoinassociates.com">http://www.camoinassociates.com</a>
Lead Agency's Engineering & Planning Consultants	Barton & Loguidice, P.C. 2 Corporate Plaza 264 Washington Ave. Ext. Albany, NY 12203 Contact: Stephen B. LeFevre, PG 518. 218.1801
Lead Agency's Attorneys	Whiteman Osterman & Hanna LLP One Commerce Plaza Albany, NY 12260 Contact: Philip H. Dixon, Esquire 518.487.7600

**TABLE OF CONTENTS**

**1.0 INTRODUCTION ..... 1**

    1.1 Procedural History..... 1

    1.2 Organization of FEIS..... 3

**2.0 RESPONSE TO COMMENTS ..... 5**

    General Comments ..... 7

    Section 2.0 Project Description..... 8

    Section 3.1 Soils .....10

    Section 3.2 Water Resources .....15

    Section 3.3 Vegetation and Wildlife.....17

    Section 3.4 Cultural Resources .....17

    Section 3.5 Transportation .....17

    Section 3.6 Police, Fire, and Emergency Services.....24

    Section 3.7 Utilities –Water Supply and wastewater Disposal .....27

    Section 3.8 Visual Resources .....28

    Section 3.9 Fiscal Resources .....28

    Sections 4-8 .....31

    Appendices .....31

**3.0 REVISIONS TO SDEIS, DEIS .....36**

    Section 3.0 Project Description.....37

    Section 3.5 Transportation .....38

**Section 3.6 Police, Fire, and Emergency Services.....39**

**Section 3.9 Fiscal Resources .....40**

**APPENDICES**

Appendix A:    Transcript of June 14, 2010, Public Hearing on SDEIS

Appendix B:    Written Comments on SDEIS

Appendix C     Response to Comments on DEIS dated October 14, 2008

## 1.0 INTRODUCTION

This Final Environmental Impact Statement (FEIS) has been prepared in compliance with Article 8 of the NYS Environmental Conservation Law, the State Environmental Quality Review Act, and its implementing regulations at 6 NYCRR Part 617 (collectively, SEQRA). It has been prepared at the request of the City of Rensselaer Planning Commission for the proposed Cottage Hill Landings Residential Development (the Development) located in the City of Rensselaer, Rensselaer County, New York.

The Action is the proposed development of a residential project on a 29.26±-acre site to be known as "Cottage Hill Landings." The project area is located along Cottage Hill Street and Partition Street in the City of Rensselaer and is identified as Parcel Number 144.53-5-1 on the City of Rensselaer Tax Map. The project site is currently undeveloped and contains a portion of a capped former municipal landfill. The Development is proposed to consist of 130 two-bedroom and 43 three-bedroom apartments, totaling 173 apartment units within eight multi-story residential buildings. As is discussed more fully in Section 2 of this FEIS, the City of Rensselaer Common Council has stated that current zoning allows only owner-occupied units, and that a further zoning amendment would be necessary to accommodate apartments. Accordingly, the FEIS addresses the environmental impacts of both the owner-occupied and the alternative apartment scenarios. The proposed action will have one access point from Partition Street. The Development will be served by municipal water and wastewater systems. Land uses in the vicinity of the project site can be characterized as urban/suburban residential.

### 1.1 Procedural History

The following is a brief summary of the procedural history of the Development:

**October 2004** – The Applicant requested a change of zoning for the project site from Land Conservation (LC) to Planned Development District (PDD) to allow for the construction of a residential development.

**February 9, 2005** – The Planning Commission, upon referral from the Common Council, issued a favorable recommendation for the proposed rezoning from LC to PDD.

**March 2, 2005** – The Rensselaer City Common Council held a duly noticed public hearing on the proposed rezoning to PDD, and subsequently determined that rezoning the property to Multiple Family Residential (R-3) would be in the public interest.

**April 15, 2005** – The Planning Commission issued a favorable recommendation for the proposed rezoning to R-3.

**May 4, 2005** – The Common Council held a duly noticed public hearing on the proposed rezoning to R-3.

**May 18, 2005** – The Common Council passed a resolution approving the rezoning of the project site to R-3, providing that “residential development on all of the lands being rezoned will provide for a maximum of 180 owner-occupied units,” adopting a Negative Declaration pursuant to SEQRA with respect to the rezoning and noting that the Planning Commission would serve as SEQRA Lead Agency for the further review of the project.

**August 8, 2005** - The Planning Commission designated itself Lead Agency for review of the project, after circulating the project application and Environmental Assessment Form (EAF) to all involved agencies, and issued a Positive Declaration of Significance for the proposed action, requiring the Applicant to prepare a Draft Environmental Impact Statement (DEIS).

**August 7, 2006** – After receiving and reviewing revised application materials from the Applicant, the Planning Commission again issued a Positive Declaration, requiring submittal of a DEIS.

**September 11, 2006** - The Planning Commission initiated the SEQRA review process with a Public Scoping Session.

**October 10, 2006** - A Final Scoping Document was adopted by the Planning Commission.

**May 15, 2008** - The Applicant submitted a Draft Environmental Impact Statement (DEIS) to the Planning Commission, proposing the development of 150 owner-occupied condominium units in four buildings, with the tallest building being eight stories, and 30 owner-occupied townhouse units along Partition Street. Access to the development was proposed from both Partition Street and Cottage Hill Street.

**October 14, 2008** - The Planning Commission accepted the DEIS as complete and adequate for public review.

**November 10, 2008** - A duly noticed public hearing on the DEIS was held by the Planning Commission.

**November 28, 2008** – The written public comment period on the DEIS ended.



**November 16, 2009** – The Applicant submitted a preliminary FEIS to the Planning Commission, describing a revised project of eight three- and four-story buildings containing a total of 173 apartment units, with access only from Partition Street.

**December 14, 2009** – In light of the changes to the project, the Planning Commission requested submittal of a Supplemental Draft Environmental Impact Statement discussing the changes and their potential impacts.

**March 9, 2010** – A Supplemental Draft Environmental Impact Statement (the SDEIS) was submitted to the Planning Commission.

**April 12, 2010** – The Planning Commission accepted the SDEIS as complete and adequate for public review.

**June 14, 2010** – A duly noticed public hearing on the SDEIS was held by the Planning Commission.

**June 28, 2010** – The written public comment period on the SDEIS ended.

**February 14, 2011** – This Final Environmental Impact Statement was accepted by the Planning Commission.

## **1.2 Organization of FEIS**

This FEIS responds to substantive public and agency comments regarding the SDEIS for the proposed project, including oral and written comments submitted to the Planning Commission during the public comment period. It also incorporates responses to the relevant comments on the original DEIS for the project.

The FEIS consists of this Introduction (Section 1.0), an identification of the comments received, and responses to comments in the same organizational structure as in the SDEIS (Section 2.0), and applicable revisions to specific sections of the SDEIS or, where relevant, the DEIS (Section 3.0). It is noted that general comments or opinions in support of or in opposition to the project are included in this FSEIS, but generally no response is made to such comments. Copies of the written comments and the public hearing transcript are included as appendices to this document.

In accordance with Section 617.9(b)(7) of the SEQRA regulations, this FEIS incorporates by reference the SDEIS, accepted as complete by the Planning Commission on April 12, 2010, as well as the DEIS accepted as complete by the Planning Commission on October 14, 2008 . It should be noted that responses to comments received on the DEIS accepted in 2008 were provided as Appendix H of the SDEIS and are provide in this document as Appendix C.

This FEIS will be issued and filed by the City of Rensselaer Planning Commission and will serve as the basis for the SEQRA Findings of the Planning Commission, as lead agency, and other involved agencies.

## 2.0 RESPONSE TO COMMENTS

This section addresses comments received during the SDEIS review period, which was held from April 12, 2010, to June 28, 2010. Where applicable, comments are summarized or grouped into subject categories and summarized to allow a single response to address similar comments or questions raised more than once.

Comments were received by the City of Rensselaer in written form and orally at the SDEIS Public Hearing held on June 14, 2010. A copy of the Public Hearing transcript is included as Appendix A and written comments on the SDEIS are included in Appendix B. Comments and responses on the October 14, 2008, DEIS are included as Appendix C and were previously included in the SDEIS.

Comments made during the public hearing are referenced by stating the individual's name and the page number of the transcript in parentheses at the end of the comment. For example, a comment made by Mr. John Doe at the Public Hearing is referenced as "***[John Doe, PH, Transcript Page XX].***"

The following individuals commented on the SDEIS at the Public Hearing:

- Dave Gardner, resident, 905 6th Street, City of Rensselaer
- William Sheldon, resident, Wilson Street, City of Rensselaer
- Greg Yonkers, resident, 119 Harrison Avenue, City of Rensselaer
- Antoinette Cristo, representative of Partition Street Development Corporation, owner of neighboring property in City of Rensselaer & Town of East Greenbush

Comments received in writing are referenced by the commenter's name, date, and comment number (see list below). The following individuals commented in writing on the SDEIS:

### **Written Comments:**

- Common Council President Harry Adalian letter dated 5/3/10
- Barton & Loguidice, P.C. (B&L) letter dated 5/24/10
- NYSDOT letter dated 6/14/10
- CDTA letter dated 6/17/10

- Gregory Yonkers letter (undated)
- Barton & Loguidice, P.C.- C. Voss email dated 07/14/10
- City of Rensselaer Office of Fire Department 8/5/10
- City of Rensselaer Office of Chief of Police 8/9/10
- Barton & Loguidice, P.C. letter dated 8/9/10

Below are responses to comments raised by the public and involved and interested agencies during their review of the SDEIS.

## **General Comments**

The following are responses to general comments concerning the project:

**Comment G-1.** I represent Partition Street Development Corporation who owns the adjacent property. For the record, I just want to note that we were not notified of the public hearing on November 10th, 2008. And my understanding was that the adjacent property owners should have been notified of a public hearing. Is that customary policy? [Cristo-PH1, Transcript page 29]

**Response G-1:** The Lead Agency has confirmed that proper notification was provided in 2008.

**Comment G-2.** We own exactly 0.4 acres in the City of Rensselaer and the entrance off of Partition Street where the planned project is right adjacent to our property line. And on one side of the plans, it doesn't show it here, but on the landscape plan, it shows there's trees that are planted right along the line. So what is the setback for that as - what's the required setback for that? If there's trees planted all along that property line, trees grow and, eventually, our entrance could be covered over with trees. So I don't know. What is the setback, does anybody know, for the tree line? [Cristo-PH4, Transcript page 31]

**Response G-2:** The City does not have a setback for landscaping. The closest tree is approximately 10 feet from the center of the tree to the easterly property line.

**Comment G-3.** Now, the 0.4 acres is what's in Rensselaer, as I said. The adjacent property line which goes from north to south, running north to south, is all - we are all in East Greenbush, Town of East Greenbush, so I feel that a fence certainly should be put up between the two property lines, especially if you're gonna have children there. If you're gonna have 173 units, and I don't know, maybe you could have two children per unit, there could be 346 kids...running between the properties and I just think something needs to be addressed there where there could be an established boundary. I don't know what kind of fencing or, you know, how they would want to do that. I think that's important for the safety of the children in the project and certainly to not have anybody infringe on our property [Cristo-PH5, Transcript page 32].

**Response G-3:** The issue of whether a fence should be added will be considered by the Planning Commission during the site plan review process.

### **Specific Comments**

The following are responses to comments relating to specific aspects of the project. References in the headings are to the relevant sections as numbered in the DEIS and the SDEIS.

### **Section 2.0 Project Description**

**Comment 2.0-1:** Are these units going to be owner-occupied or are they gonna be like an apartment complex? [Gardner-PH1, Transcript page 23].

**Response 2.0-1:** The Applicant indicates that the project is currently planned as apartments. It was previously planned to be owner-occupied condominiums and townhouses. The impacts of both development scenarios are addressed in the FEIS.

**Comment 2.0-2:** The first question I wanted to ask is from what I gathered from this information, this will end up to be low income housing and that shouldn't even happen right there [Sheldon-PH1, Transcript page 25].

**Response 2.0-2:** If the project is developed as apartments, the Applicant states that these apartments will be market-rate rentals. According to the Applicant, area apartment market rates as of October 2010 ranged from \$785 to \$1690 per month.

**Comment 2.0-3:** Oh, I don't agree with going from owner-occupied to rental property. Our city has over 50% of rental property. We don't need any more. It's full. And you know what? It's all grandiose, then all of a sudden, in 10 years comes Section 8. We've seen it over and over and over. I'm just telling you I don't agree with it [Yonkers-PH6, Transcript page 28].

**Response 2.0-3:** Comment noted. The Applicant contends that the existing zoning (R-3) allows for multi-family dwellings. The Common Council of the City of Rensselaer has stated that, in accordance with the terms of its approval of the rezoning of the project site to R-3, future development of the property is limited to owner-occupied housing. See also Comment 2.0-6 and Response 2.0-6. With respect to the reference to Section 8 housing, the City's zoning law and site plan regulations do not regulate the income levels of the proposed occupants of a project.

**Comment 2.0-4.** The City of Rensselaer population consists of over 50% rental property, as a tax paying resident I believe we do not need any additional rental property. I believe the City should seek more owner occupied residential development. My reasoning for the aforementioned is people who purchase their own home usually have something at stake and take pride in their property. I have witnessed over and over again (in Rensselaer and other cities) neighborhoods decline in value and are not very well kept up when a transition from owner occupied to rental occurs [Yonkers-1].

**Response 2.0-4:** The Planning Commission shares the concern over the high proportion of non-owner-occupied housing in the City. Indeed, the City's Comprehensive Plan cites the beneficial effects of home ownership, noting that "[t]he 2000 Census reported that 51% of the households in the City of Rensselaer were renters. This particularly high rate of renters and absentee landlords discourages personal investment in the city. Policies that encourage home ownership will increase personal investment in the city, foster neighborhood pride and cultivate property maintenance." (City of Rensselaer Comprehensive Plan, January 2006, p.13).

**Comment 2.0-5.** I am with the understanding the proposed development will be partially funded with HUD funds? If that is true this development will most likely turn into affordable housing units. Once again this city has its fair share of this and does not need any more [Yonkers-2].

**Response 2.0-5:** The Applicant states that federal Housing and Urban Development (HUD) funds may have been or may be requested for the project, but only under a HUD program for market-rate rental units. The City's zoning law and site plan regulations do not regulate the types of financing employed for any particular project.

**Comment 2.0-6.** I am writing in my capacity as Common Council President and as a resident of the City of Rensselaer. I have recently had the opportunity to review the above referenced Ordinance that was adopted in connection with the Project. The Ordinance contained specific restrictions that were incorporated into the Ordinance. More importantly Sections A and C of the Ordinance provided that a specific condition of the rezoning of the property from LC to R3 was that the project was to have no more than 180 owner occupied units. It is my understanding of that the proponent of the project is now proposing apartments instead of the owner occupied town homes which was an express condition within the approval of the Ordinance, The proposed apartment use is not consistent with or permitted under the Ordinance.

I would request that the Planning Commission rescind the acceptance of the DEIS since it was based on an apartment use which does not comply with the Ordinance. In addition, I would request that the Planning Commission take no further action on the Project unless and until the Applicant for the Project submits a project that is fully consistent with the Ordinance. The Applicant should not be allowed to disavow the owner occupied condition of the ordinance since he did not object to such a condition at the time of the adoption of Local Law #2 of 2005. If the applicant is dissatisfied with the conditions in the Ordinance then they must apply to the Common Council for a modification of the conditions within the ordinance. [Adalian -1]

**Response 2.0-6.** The Applicant believes that the subject property, which is zoned R3 Multi Family Residential, is permitted to include the development of apartments. The Applicant believes that Local Law #2 of 2005, as referenced by the commenter, effected the zone change alone, but did not impose a more restrictive limitation on the use of the property, notwithstanding the expression of preference. The Applicant's attorneys, Stockli Greene Slevin & Peters, LLP, have offered a further response. If the Common Council's position is correct, and the Applicant's position is incorrect, a further zoning amendment would be necessary before the project could be developed as apartments. Such a zoning amendment, however, could not occur until the completion of the SEQRA process (including completion of this FEIS). This FEIS, accordingly, examines the potential impacts under both the owner-occupied and apartment scenarios.

### **Section 3.1 Soils**

**Comment 3.1-1.** I don't agree with the delineation of the proposing landfill. I don't know who made the limits of the landfill when it was, if the DEC did it. In the report 1986, they took it off the hazardous waste list. Why? Because they said they had significant information that there was no leachate or no problems. I don't agree with that either. There was hazardous waste coming throughout that property in the 50's, 60's, 70's and anybody who lived then can tell you. Wherever that delineation is, and I believe it's by the road and not by the next proposed project, I don't buy that either. I want some more information [Yonkers-PH3, Transcript page 26].

**Response 3.1-1:** The limits of solid waste were determined by Chazen, which performed a series of test pit explorations. Specifically, backhoe test pits were dug at the perceived limit of waste (based on historic mapping and site topography), and the waste limit determined from actual field observation by Chazen. The landfill was also the subject of



a closure investigation performed for the New York State Department of Environmental Conservation (NYSDEC). See the 1986 Report included as Appendix 9.3 of the DEIS.

**Comment 3.1-2.** In this report I downloaded today, it said that supposedly the capped landfill is inadequate right now, doesn't have adequate two-foot cover and they proposed to put the adequate cover on after start of construction of the project, which I think that's stupid. If you have a significant landfill - this is number 10 in New York State hazardous waste and you look up in the archives, Times Union, I'm not prepared to take that out right now, but it's documented [Yonkers-PH4, Transcript page 27].

**Response 3.1-2:** The NYSDEC noted in correspondence to the property owner that the soil cover was indeed inadequate. The owner should be required to provide adequate soil cover, as approved in writing by the NYSDEC, prior to site plan approval. The site was removed from the NYSDEC's Inactive Hazardous Waste Site Registry in 1986, after the NYSDEC conducted extensive site investigations. See Section 3.1 of the DEIS and SDEIS.

**Comment 3.1-3.** Whatever was completed of the required items, they have to address certain leachate, perform inspections, conduct an explosive gas survey. Was it done on the entire property or just one designated area? [Yonkers-PH8, Transcript page 29]

**Response 3.1-3:** As indicated in Section 3.1 of the DEIS/SDEIS, the NYSDEC has requested that the landowner 1) address surface leachate seepage, 2) perform engineering inspection documenting site conditions, 3) conduct an explosive gas survey, 4) delineate the limit of waste with respect to the planned development, and 5) complete a survey of private domestic wells. The Applicant has stated that, to date, the owner has completed items 1 through 4.

A survey (location) of residential wells is pending and should be submitted to the Planning Commission prior to or concurrently with site plan review. Regarding leachate management, the landowner had been exploring two options; discharge to the public sewer system, and discharge to a surface water body. The Rensselaer County Sewer District (RCSD) has denied the request to discharge to the RCSD's sewer system and suggested surface discharge under a SPDES permit. The NYSDEC will determine if on-site treatment is required as part of the permitting process for a SPDES permit. Correspondence from RCSD and the NYSDEC regarding their respective positions on leachate management alternatives was included in Appendix B of the SDEIS and is also included in Appendix D of this document.

**Comment 3.1-4.** I would drill wells, monitor wells, in the whole area. I don't think that was ever monitored properly when it was the landfill. I don't think DEC was ever near the City of Rensselaer when it was a landfill. So if you want a complete analysis, do a complete parcel, not just a section of it. It says the owner has to have a remediation plan. Is that done? When is that gonna be completed? I would think you'd have to remediate your landfill before you put any houses or anything on the property, not do it after you build something [Yonkers-PH9, Transcript page 29].

**Response 3.1-4:** The NYSDEC completed a series of subsurface investigations prior to de-listing the site in 1986. The site owner has completed 4 of the 5 elements required for inclusion in a landfill remediation plan. See also Response 3.1-3

**Comment 3.1-5.** From Section 3.1, Soil and Geology (page19) of the SDEIS it states "The property owner will be required to 1) address surface leachate seepage 2) perform engineering inspection documenting site conditions 3) conduct an explosive gas survey 4) delineate the limit of waste with respect to the planned development 5) complete a survey of private domestic wells". Also a landfill remediation plan is required. The report states, "The owner has completed many of the required items". My question is how many have been completed? I believe ALL items should be complete before any approvals are considered [Yonkers-3].

**Response 3.1-5:** See response 3.1-3. The owner has completed items 1 through 4. The project owner is in the process of completing the final element of the plan. The applicant agrees to submittal of the Landfill Remediation Plan as a condition of the SEQRA findings, ensuring that the project will not move forward until the work is completed. Certification that the Landfill Remediation Plan, as approved by the NYSDEC, has been successfully completed should be required prior to Planning Commission site plan approval.

**Comment 3.1-6.** Also in this section it states "Current issues relative to the landfill and development on this site include surface leachate seepage, potential explosive gas and adequacy of landfill cap thickness". Have all these issues been addressed? Most people would agree the landfill should be adequately capped and seepage as well as potential explosive gas issues be addressed. Again, all these issues should be complete before any approvals are considered [Yonkers-4].

**Response 3.1-6:** See Response 3.1-3 and Response 3.1-5.

**Comment 3.1-7.** Surface leachate seepage should be addressed. A letter from R.C.S.D. #1 Administrative Director, Gerard Moscinski states the Sewer District "will not provide the acceptance of such discharge". Why would the City and D.E.C. permit the owner to discharge the seepage into the Quackenderry Creek under a SPDES permit? What is the analytical makeup of the seepage? Also stated in this section, "Development of the project site will not increase the existing rate or quantity of leachate currently generated from the landfill". How do we know that? Onsite treatment of the discharge should be an automatic viable alternative [Yonkers-5].

**Response 3.1-7:** The applicant had been pursuing two options for discharge of the seepage: discharge to the public sewer system and discharge to the surface water feature. The Rensselaer County Sewer District subsequently denied the request to discharge to the sewer system and suggested surface discharge under a SPDES permit. The NYSDEC will determine if on-site treatment is required as part of the permitting process. Correspondence from RCSD and the NYSDEC regarding their respective positions on leachate management alternatives was included in Appendix B of the SDEIS and is also included in Appendix D of this document. The analytical characteristics of the seepage are set forth in Appendix 9.3 of the DEIS and will need to be addressed as a part of the SPDES permit requirements.

**Comment 3.1-8.** Mapping of Former Rensselaer Landfill: Section 3.1.2 (page 19) provides a brief narrative that outlines the former Rensselaer Landfill on the site, however there is no description of the actual location of the landfill in this section of the DEIS. There is also no cross reference to any figures or maps of the existing landfill provided in this section. Slope maps provided in Figures 3.1-2; 3.1-3; and 3.1-4 do show a boundary line believed to be the limits of the former landfill, but this boundary line is not labeled as such. Additionally, map "SP1 - Existing Conditions Plan" provided in the SDEIS does not show the boundary of the closed landfill. However, according to notes on this map, this boundary was determined/delineated by the applicant's engineer and is not verified or supported by any NYSDEC documentation or other documentation. Recommend that the applicant provide more substantial documentation and/or mapping verifying the exact location of the former landfill boundary [B&L - Voss-1].

**Response 3.1-8:** The lead agency found the original DEIS to be complete on October 14, 2008 ("2008 DEIS") and the SDEIS to be complete on April 12, 2010. The SDEIS includes the 2008 DEIS by reference. Section 3.1 "Soils and Geology" of the 2008 DEIS (see page 3.1-5) included a brief history of the landfill operations. Consistent with

communications with Barton and Loguidice, the SDEIS did not duplicate or repeat information from the 2008 DEIS .

Appendix 9.3 of the 2008 DEIS includes a complete copy of "Engineering Investigations at Inactive Hazardous Waste Sites in the State of New York – Phase II Investigations- Former Rensselaer Landfill, Rensselaer County, NY - NYSDEC Site No 442003" prepared for NYSDEC Division of Solid Hazardous Waste by Woodward-Clyde Consultants, Inc. December 1986 ("1986 Report").

Figures 3.1-2, 3, and 4 depict slopes and soils and was not intended to depict the limits of the closed landfill. As noted, the full-size site plan documents (including SP-1) include the limits of the landfill.

For the convenience of the reader, the following information regarding site history is provided. The site was operated as a municipal landfill from 1957 to 1976. The site reportedly received 'residential refuse' during that time. The referenced report indicates that suspected industrial wastes may have been disposed of on site; however no information on the character of wastes deposited on site were documented. Investigative work completed as described in the 1986 Report included site investigations, soil sampling, test pitting, a geophysical survey, installation of groundwater wells, hydraulic conductivity testing, and analytical characterization of soils and groundwater.

The 1986 Report concluded no contravention of water quality standards had occurred and that the landfill was not impacting groundwater quality. As a result of the findings of the report, the site was subsequently removed from the Inactive Hazardous Waste registry by the NYSEDC.

The limits of the landfill were presented in the mapping included in the 1986 Report and were verified through a series of subsequent test pit excavations completed as a part of Geotechnical Investigation completed date and presented as Appendix 9.4 of the DEIS. The limits of waste are subsequently depicted on Figures included in Appendix A of the SDEIS.

As indicated in the NYSDEC correspondence, because the landfill ceased operation in 1976 the 6 NYCRR Part 360 (Solid Waste) regulations in effect from 1/1/73 to 8/28/77 govern the closure requirements. A 'closure report' was not required per the NYSDEC. NYSDEC requirements pertaining to the landfill are outlined in correspondence from

NYSDEC dated January 29, 2004, which is included in the DEIS and also is included in Appendix D 'Correspondence' of this FSEIS.

**Comment 3.1-9.** Description of Former Rensselaer Landfill: Section 3.1.2 (page 19) provides a brief narrative that outlines the existence of the former Rensselaer Landfill on the site. However this section does not provide any description of the landfill itself, its use history or past remediation activities associated with the existing landfill. No landfill closure report was included in the SDEIS. Recommend that the applicant provide a more detailed description of the former landfill, its contents, operations, and eventual closure activities [B&L Voss-2].

**Response 3.1-9:** See response 3.1-8.

**Comment 3.1-10.** Landfill Remediation Plan: Section 3.1.2 (page 19) notes that guidelines for development on and near the landfill site will be developed by the applicant in conjunction with NYSDEC and in accordance with a "Landfill Remediation Plan Report" as per requirements from NYSDEC. According to information provided by the applicant, this landfill remediation report is supposed to provide details on how the applicant intends to remediate surface leachate seepage, and explosive gas migration from the landfill to adjacent locales. However no "Landfill Remediation Plan Report" was prepared by the applicant or include in the SDEIS. Recommend that the "Landfill Remediation Plan Report" be made a part of the SDEIS as an appendix, and that issues noted in that plan to address leachate seepage, and explosive gas migration be included and fully described in the text of the SDEIS in Section 3.1.2. In addition, all correspondence to/from the applicant and NYSDEC regarding the landfill, the "Landfill Remediation Plan", and the landfill cover/cap should be included in the SDEIS as an appendix. A copy of the NYSDEC's 1986 study pertaining to ongoing monitoring of the landfill as noted on page 21 of the SDEIS should be included in the SDEIS as an appendix [B&L Voss-3].

**Response 3.1-10:** See Response 3.1-8.

### **Section 3.2 Water Resources**

**Comment 3.2-1.** This stormwater pond here, this is gonna be at the bottom of Cottage Hill. Is there gonna be any kind of a fence or anything around that? There's a lot of kids in our neighborhood. What's to keep the kids from going in there? [Gardner-PH2, Transcript page 23].

**Response 3.2-1:** The issue of whether fencing should be added around the stormwater retention pond will be considered by the Planning Commission during the site plan review process.

**Comment 3.2-2:** And another thing with the water runoff, that water's eventually gonna wind up in that creek, correct? You guys can't plan for a storm like we had in 2008. We had five inches of rain in a couple hours. We had seven feet of water in my house. He had about eight feet of water in his house [indicating]. You can't tell me - you're not gonna convince me that that little pond is not gonna - all that runoff is gonna not affect our neighborhood even that far down the street from our house. When that water runs into that pipe, eventually, it's gonna back up into our neighborhood. [Gardner-PH3, Transcript page 23]

**Response 3.2-2:** All stormwater discharged from the stormwater retention pond will pass through pipes and the twin 24-inch culverts under Cottage Hill Street and travel overland through ditches and across private property to the Quackenderry Creek. The pond has been designed to reduce peak runoff rates from the project site to less than the existing condition. It should be noted that additional stormwater management requirements will take effect on March 1, 2011, for projects that have not obtained general permit coverage prior to that date.

**Comment 3.2-3:** I don't agree with so-called stormwater management that it's not gonna have impact [Yonkers-PH2, Transcript page 26].

**Response 3.2-3:** Comment Noted. The stormwater pond has been designed to reduce peak runoff rates from the project site to less than the existing condition.

**Comment 3.2-4:** I agree that that stormwater pond is questionable, but it remains to be seen when the next storm comes [Cristo-PH6, Transcript page 33].

**Response 3.2-4:** Comment noted.

**Comment 3.2-5:** I and many other residents in the Hollow area have concerns about the storm water runoff that the proposed development will create. This section of the city has documented problems with storm water management (flooding) due to the development which has taken place over the past two decades in the areas East and North of the City line. We do not need more water runoff into the Quackenderry Creek [Yonkers-8].

Response 3.2-5: The stormwater pond has been designed to reduce peak runoff rates from the project site to less than the existing condition, therefore the project will not increase the potential for flooding in the area.

### **Section 3.3 Vegetation and Wildlife**

No comments received.

### **Section 3.4 Cultural Resources**

No comments received.

### **Section 3.5 Transportation**

**Comment 3.5-1.** Currently the Average Daily Traffic (ADT) volume on Broadway is approximately 6,000 vehicles per day. The Cottage Hill Landings development, along with the UW Marx DeLaet's Landing development, will add considerable volume to the Broadway corridor, approximately 500 trips entering and 1000 exiting during AM and PM peaks respectively. Consequently, based upon the peak hour volume increase, the daily volume will rise 10% - 15%. Accordingly, those that use the Broadway corridor should expect to incur increased congestion and delays in the near future as the Broadway reconstruction project does not include capacity related improvements. The Cottage Hill Landings Supplemental DEIS states DeLaet's Landing is still in the SEQR process. We question this statement, as the FEIS for DeLaet's Landing was completed July 28, 2009 and the Findings Statement was signed and approved September 1, 2009. [NYSDOT-1].

**Response 3.5-1:** The UW Marx application did complete a comprehensive evaluation of the combined projects' impacts on the transportation system. The EIS prepared for the UW Marx project included this evaluation, prepared by SRF Associates. The comment regarding completion of the DeLaets Landing status is noted.

**Comment 3.5-2.** Related to the traffic growth, the UW Marx FGEIS incorporates the Cottage Hill volumes into background growth projections, however, the Cottage Hill Landings development does not include the DeLaet's Landing volumes, under the assumption that Cottage Hill will be completed within the next 2 years while the DeLaet's Landing will be phased over the next 10 to 15 years. While the UW Marx FGEIS conveys that development will be phased, and will depend on market demand, phase 2

(model town homes along the northern side of New Broadway) and phase 1 (marina and the residential high rise along the New Broadway) are anticipated to be complete by 2013 - just three years from now. This is important to note as the increased traffic, and the inherent additional congestion and delay, may not be as incremental as the Cottage Hill supplemental DEIS suggests. [NYSDOT-2]

**Response 3.5-2:** See Response 3.5-1. Changes to project construction schedules are noted and inherent in projects of this nature. The traffic study prepared by SRF Associates as part of the UW Marx EIS examined the combined traffic impacts of the two projects on a number of intersections. With respect to the intersection of Partition Street and Broadway, the SRF report stated (at p.12): "The intersection operates at average LOS "C" or better under existing, background, and future conditions with the exception of the southbound approach which operates at LOS "D" during the PM peak hour under full development conditions. The southbound approach is projected to decline from LOS "B" to "D" during the PM peak hour and the northbound approach is projected to decline from LOS "A" to "B" during the AM peak hour and from LOS "B" to "C" during the PM peak hour between background and full development conditions. This LOS change can be mitigated via signal timing adjustments/optimization to maintain LOS "B" or better on all approaches."

**Comment 3.5-3.** We recognize that Broadway is an urban corridor with little room for expansion, and are also cognizant of the desire to create a walkable downtown environment where residents have mode choices. In fact, the UW Marx FGEIS trip generation data reduces the total number of peak hour trips by 5% through anticipated transit use. However, we have recently learned that CDTA has discontinued their Rensselaer Route 15 that traveled along Broadway.

One of CDTA's Planners / Travel Demand Specialists confirmed this route cancellation due to poor ridership. It was conveyed that CDTA is aware of the UW Marx project and has commented on the project through the SEQR process. CDTA staff met with UW Marx representatives (September 2008) to discuss the possibility of serving the development's residents/occupants with a shuttle that was to be partially funded by the developer. Our understanding is that subsequent meetings have not occurred and the issue of transit serving the development is unresolved. We believe that this situation warrants additional consideration, as one of the underlying premises of community livability for this level of dense development is good access to transit, in addition to the "loss" of the 5% reduction in peak hour trips. We strongly recommend further



discussions with CDTA and UW Marx regarding initiating a shuttle service to downtown Albany, as development and occupancy occurs, to help alleviate the traffic issue along Broadway during peak hours [NYSDOT-3].

**Response 3.5-3:** The applicant proposes to meet with CDTA representatives to support the UW Marx request for transit services.

**Comment 3.5-4:** On a related note, how did UW Marx determine the number of parking spaces needed for the riverfront development? Will the number of parking spaces positively or negatively affect transit usage? Is it possible to phase the construction of parking spaces as other construction is being phased? There will be less incentive to use transit or other alternative modes if parking is plentiful. We recommend the City and UW Marx collaborate with CDTC in finding the optimal number of parking spaces as well as developing some Traffic Demand Management (TDM) strategies in anticipation of the completed Delaet's Landing and Cottage Hill developments (CDTC has worked with local municipalities in developing TDM policies). While CDTC does not currently have recommended parking ratios they encourage communities to move away from parking minimums to either parking maximums or the utilization of other innovative parking management techniques [NYSDOT-4].

**Response 3.5-4:** Comment noted, and intended for UW Marx. No response required.

**Comment 3.5-5:** CDTC is currently wrapping up the Draft Schenectady Gateway study being developed by the IBI Group, Inc. (a Linkage Study), which addresses parking in the envisioned "Eco-District". Some of the concepts surfacing from the draft include the following:

- The amount of parking allocated in a TOD or other sustainable type development is critical for a successful outcome as too little will inhibit development and too much will impair the pedestrian environment.
- Within Schenectady's Eco-District, parking locations will be identified and at these various locations will be provisions for bicycle parking, car-sharing and electric vehicle plug-ins. Addressing parking in this manner will lead to lower demand as these alternatives paired with transit will translate into lower parking requirements and accordingly cost savings for the developer.
- Schenectady's Eco-District is unique to the Capital District. Similar to "Complete Streets", Schenectady's plan calls for a comprehensive pedestrian and bicycle

network, including all the necessary infrastructure as well as regional connections to paths, trails and transit systems [NYSDOT-5].

**Response 3.5-5:** The Applicant will entertain and recommend reduction in parking during the site plan approval process.

**Comment 3.5-6:** The City of Rensselaer may want to consider developing a public outreach effort to explain how the upcoming developments' peak hour volumes will affect the Broadway corridor and discuss the various travel options that are available to residents. In the end, if UW Marx, the City of Rensselaer and CDTA develop a transit service to serve this new urban development, if parking is limited and is phased with construction, and if the area residents are well-informed as to their travel options, modes other than the single occupancy vehicle may become viable alternatives thereby decreasing the level of congestion and delay along the Broadway corridor and making for a desirable downtown living experience [NYSDOT-6].

**Response 3.5-6:** Comment noted.

**Comment 3.5-7:** Please be advised that changes to CDTA's route system require that the number of people benefitting from the change be greater than the number that will be inconvenienced. This coupled with the steep slope on Partition Street and the constraints of the roads means it is highly unlikely CDTA will provide transit service to the proposed development [CDTA-1].

**Response 3.5-7:** Comment noted.

**Comment 3.5-8:** Project plans involve construction of 173 residential rental units in 3- and 4-story structures, and an estimated 464 residents. The plan proposes 260 parking spaces, reflective of the zoning requirement for 1.5 parking spaces for every residential unit in a multi-family structure. Due to the scale and density of the project, it is anticipated that it will impact the transportation system in the area, including transit [CDTA-2].

**Response 3.5-8:** Comment Noted. The project will increase demand for transit services. As indicated in Response 3.5-3, the Applicant should work with CDTA to identify the demands/impacts during the site plan review process.

**Comment 3.5-9.** CDTA notes that the current site design provides access solely by automobile. There are no sidewalks west of Partition and Cottage Hill Street, and the site plan shows no sidewalk proposed along the site's access drive. One private access road will connect the development to Partition Street at the easterly edge of the site, by the current access point. Page 23 of the City's 2006 Comprehensive Plan says the city should "Require that new streets, whether deeded to the city or privately maintained, continue the established street grid. Cul-de-sac and dead-end streets should be discouraged." As the Short Term Guide of the City's Comprehensive Plan states, "The grid street pattern provides excellent access and connectivity, not only for vehicles but also pedestrians and bicyclists." Instead, the proposed design means that a typical resident will need to walk one half mile to the nearest bus stop at the corner of Partition and 3rd Streets. A former iteration of the project included an additional vehicular access to the site at Cottage Hill Street. The current plan includes vehicular access from Cottage Hill Street to a stormwater retention pond on the west/northwest side of the site, but does not connect this access to the residential area [CDTA-3].

**Response 3.5-9:** Due to the topography of the project site, a street grid pattern is not feasible. Additional sidewalks or connective trails should be incorporated into revised site plans with guidance from the City. In this regard, the applicant should consult the City's Comprehensive Plan, which encourages the enhancement of pedestrian, bicycle and mass transit options.

**Comment 3.5-10.** CDTA strongly encourages the City of Rensselaer to require that the developer:

- Provide vehicular access to the proposed development from more than one access point, or at least a pedestrian and bicycle connection north-westerly from the residential buildings to Cottage Hill Street to allow residents to access the bus stop in about 0.25 mile.
- Install bicycle racks in accessible locations in all of the residential structures.
- Provide a continuous sidewalk connection along Partition Street and the site's access drive(s), as well as stripe crosswalks across Partition Street in locations where the sidewalk crosses the street [CDTA-4].

**Response 3.5-10:** The previous plan included access from Partition Street and Cottage Hill/Wilson Street. The second access point was eliminated in response to public

opposition. Bicycle racks and additional sidewalks should be incorporated into revised site plans with guidance from the Planning Commission.

**Comment 3.5-11**. The last thing is this road at the bottom here, there's a stop sign there. Right now, there's only a couple dozen houses up this hill. I bet you every day that eight or nine cars go through that stop sign. You want to put 173 cars through that intersection or a hundred cars? That ain't gonna work either. It's not the way to get that traffic out of there [Gardner-PH4, Transcript page 24].

**Response 3.5-11**: The traffic impact study (TIS) modeled the noted intersection. The report identifies that the existing two-way volume of traffic on Partition Street at the proposed site entrance is 37 vehicles during the morning peak hour and 41 vehicles during the afternoon peak hour. The forecasted traffic volume for the build condition is estimated at 46 vehicles during the morning peak hour and 50 vehicles during the afternoon peak hour. The intersection is expected to operate at level of service A, which is an acceptable level of service. No improvements were recommended in the TIS

**Comment 3.5-12**. But on the other hand, at the bottom of the street of Cottage Hill Road is my street and if they route the traffic over the other street, that's a lot of traffic. If they route it down my street, when you park a car on my street, you're lucky you can get a car down that street. And you know, like they said, most times - you got 173 units. Well average a car and a half to each one. There's gonna be a lot more cars, and that's true, that route there, Wilson Street, cannot accommodate all that, all them vehicles, believe me when I tell you. Plus, we have a Little League field there and we have kids all over the place and that traffic will be murder. I just think that it's very bad as far as it's bad now, so it's gonna get 10 times worse with that many vehicles [Sheldon-PH2, Transcript page 25].

**Response 3.5-12**: The TIS distributed traffic generated by the project based upon the original site development plan dated May 31, 2007. This plan provided site access in two locations, on Partition Street and Cottage Hill/Wilson Street with 90% of the site-generated traffic accessing the site via Partition Street and 10% using Cottage Hill/Wilson Street. The Cottage Hill/Wilson Street site access has been removed in the revised site development plan, as such it is anticipated that up to 100% of the site generated traffic will use the Partition Street access. See also Response 3.5-11)

**Comment 3.5-13.** I'm speaking on my opinion. I'm totally against the project. I don't believe the transportation issue is not gonna affect have no negative impact [Yonkers-PH1, Transcript page 26].

**Response 3.5-13:** Comment noted.

**Comment 3.5-14.** The traffic plan that was noted on page 29 says there's going to be a maximum of 10 cars additional. I don't understand that, because there's 173 units and I'm sure they're not all walking [Cristo-PH2, Transcript page 31].

**Response 3.5-14:** Section 3.5 Transportation relates that 80 to 100 peak hour trips may occur as a result of project buildout. Because Cottage Hill/Wilson Street is no longer a point of access for the project, the 10 vehicle (on average) that would have utilized Cottage Hill/Wilson Street will now utilize the Partition Street access.

**Comment 3.5-15.** And I know there's not a public bus that goes up and down the road, and I don't know if there is any proposal or anybody contacted CDTA to see if there was gonna be any public transportation going up and down the whole area. That might be a way to resolve a lot of traffic if CDTA was there. I know they stop at Third Avenue on Partition Street, CDTA, but they don't go down the hill and up the hill [Cristo-PH3, Transcript page 31].

**Response 3.5-15:** The Applicant has stated that it will reach out to CDTA representatives to request transit service.

**Comment 3.5-16.** The stop sign at the bottom of the hill, should that not be a traffic light to control the traffic better? Because if it's continuous traffic during the morning hours, rush hours, the evening hours coming home, I could see a lot of traffic coming through there and making it difficult for the people on Cottage Street and - 6th street is the other one, right? So at that intersection, a better traffic control device, I think, would be better [Cristo-PH7, Transcript page 33].

**Response 3.5-16:** See Response 3.5-11.

**Comment 3.5-17.** Under section 3.5, Transportation, I do not agree the approximate increase in traffic will be 10 vehicles in peak hours. With the potential of 173 units to be occupied the increase in traffic has to be significant? [Yonkers-6]

**Response 3.5-17:** Section 3.5 notes 80-100 vehicles during the peak hour condition.

### **Section 3.6 Police, Fire, and Emergency Services**

**Comment 3.6-1.** The amount of the units in the project and the number of Residents would increase our call volume for both Fire and EMS [Fire Department 1]

**Response 3.6-1:** The Supplemental DEIS included a Fiscal Impact Analysis prepared by Camoin Associates (Appendix G of the SDEIS). The analysis concluded that the increase in expenses to the Fire Department will be offset in increase tax revenue to the City.

Briefly, the analysis does project an increase of Fire Department personnel expenses of \$36,487. (This estimate assumes that the population increase expressed as a percentage of the city's population (5.35%) will have a corresponding budget impact. A 5.35% increase in staff costs equals \$36,487). Fire Department (and Police Department) expenses are accounted for in the City's General Fund. The analysis evaluates the overall impacts to the City's General Fund and concludes that there will be a net positive impact of \$2,657 on an annual basis after accounting for the increase expense to all General Fund line items including the Fire Department.

**Comment 3.6-2.** The close proximity and limited access to some of the buildings and the Light Weight Construction, concerns the Fire Department strategies for suppression and the safety of the residents and firefighters [Fire Department 2.]

**Response 3.6-2:** All structures will conform to NYS Uniform Building Code. Buildings will be fitted with a sprinkler system and adequate water pressures have been documented. All of the buildings have access consistent with the regulatory requirements. The Fire Department concerns should be addressed during the site plan review process.

**Comment 3.6-3.** Are the units going to have sprinklers and will the water supply be sufficient [Fire Department 3.]

**Response 3.6-3:** See Response 3.6-2.

**Comment 3.6-4.** Will all the units have carbon dioxide detectors which are required under the new laws? [Fire Department 4.]

**Response 3.6-4:** All structures will conform to NYS Uniform Building Code and will have carbon monoxide detectors.

**Comment 3.6-5.** We need to know what type of heating units will have fire stops to the roof to reduce fire spread. [Fire Department 5.]

**Response 3.6-5:** All structures will conform to NYS Uniform Building Code and will be fitted with fire stops per the code.

**Comment 3.6-6:** In looking over the site plan I was unable to clearly define hydrant locations and the size of the water mains.[Fire Department 6.]

**Response 3.6-6:** Hydrant locations are shown on the Utility Plan Sheet SP 5 included in the SDEIS. An 8-inch diameter water main is proposed.

**Comment 3.6-7:** In order to continue this type of service, it is my opinion that a facility of this nature would in fact create the need to increase our staffing levels. [Police Department 1]

**Response 3.6-7:** The Fiscal Impact Study completed by Camoin Associates assumes that the City will add two additional Sergeant level police officers. A portion of that analysis as presented in the SDEIS (Appendix G) is presented below for the convenience of the reader.

Camoin Associates interviewed Deputy Chief of Police James Frankoski. Deputy Chief Frankoski indicated that the police force does not currently have enough staff to meet the police needs of the community, and identified the need for 2 more officers at the sergeant level to meet current service demands.

Camoin Associates asked Deputy Chief Frankoski to estimate, what if any, demands the Project may place on the police force. The Deputy Chief estimated that the Project would require the addition of two more Patrolmen to the police force. He said that no new special equipment would be needed (the department currently has 8 marked patrol cars). Camoin Associates used the estimate of 2 additional patrolmen to assume a "worst case" or highest cost alternative when calculating the impact to police services. With a total uniformed police force of 26 officers, the addition of 2 patrolmen equates to a 7.69% increase in officers.

To measure the fiscal impact of the addition of two officers, Camoin Associates examined salary, contractual expenses and equipment costs for the Police Department in the 2009-2010 adopted City budget. A summary of increased costs is shown below.

<b>Summary Police Department Increased Costs (Addition of 2 Patrolmen)</b>	
Salaries	\$ 97,614
Contractual Expenses	\$ 6,281
Equipment	\$ 20,462
<b>Total</b>	<b>\$ 124,357</b>

*Source: 2009-2010 City of Rensselaer Adopted Budget.*

*Camoin Associates*

Total salary appropriation for all 18 patrolmen is \$878,527 which equates to an average salary of \$48,807 per patrolmen. The addition of two patrolmen would therefore cost \$97,614. Contractual expenses and equipment include a variety of specific line items such as gear for police officers, vehicle maintenance, training, office supplies, and association dues. All contractual expenses and equipment were assumed to be variable, excluding car purchase and lease, as the Police Department representatives indicated that the current number of cars is sufficient to accommodate any increase in service demands. Maintenance costs of existing vehicles are assumed to increase. The total Police Department budget for contractual expenses (excluding \$12,500 for lease of cars) is \$81,685. A 7.69% increase of this cost is \$6,281. Similarly, the total Police Department budget for equipment (excluding \$32,500 for car purchase) is \$266,003. A 7.69% increase of equipment costs is \$20,462. The total estimated increase for the Police Department is \$124,357<sup>1</sup>.

<b>Police Department Increased Costs (Salary Calculation)</b>	
Total Salaries (Patrolmen)	\$ 878,527
Avg. Per Patrolmen	\$ 48,807
Increase of 2 Patrolmen	\$ 97,614

*Source: 2009-2010 City of Rensselaer Adopted Budget,*

*Camoin Associates*



<b>Police Department Increased Costs (Contractual Expenses Calculation)</b>	
Total Contractual Expenses	\$ 94,158
Excluding Car Lease	\$ 81,658
Increase of 7.69%	\$ 6,281

Source: 2009-2010 City of Rensselaer Adopted Budget,  
Camoin Associates

<b>Police Department Increased Costs (Equipment Calculation)</b>	
Total Equipment Costs	\$ 298,503
Excluding Car Purchase	\$ 266,003
Increase of 7.69%	\$ 20,462

Source: 2009-2010 City of Rensselaer Adopted Budget,  
Camoin Associates

The analysis completed by Camoin included an examination of impacts to the various other City operations including the Fire Department and the Police Department. Comparing the total increased expenses and increased revenues, the following table shows the Project will have an estimated positive net impact of \$2,657 on the City's General Fund.

<b>Impact to General Fund</b>	
Increased Expenses	\$ 377,966
Increased Revenue	\$ 380,623
<b>Net Impact</b>	<b>\$ 2,657</b>

### **Section 3.7 Utilities –Water Supply and wastewater Disposal**

**Comment 3.7-1.** So I wanted to express my opinion in that regard, and I probably have a couple more here. The owner has to complete a survey of private domestic wealth [wells] and it says the owner has completed many of the required items. What were the required items? [Yonkers-PH7, Transcript page 28]

**Response 3.7-1:** As noted in Section 3.1 of the SDEIS, the owner is required (by the NYSDEC) to address surface leachate seeps, conduct a engineering inspection of the site,

perform an explosive gas survey, delineate the limits of waste, and perform a survey of private domestic wells. All tasks have been completed except for the survey of domestic wells.

### **Section 3.8 Visual Resources**

No comments received.

### **Section 3.9 Fiscal Resources**

The DEIS accepted as complete in October 2008 identified (in Section 9.0) the fiscal impacts of the project under the owner-occupied condominium/townhouse development scenario. The DEIS identified a net annual economic benefit (in terms of municipal/educational services required as compared to tax revenue) of \$39,125 to local municipalities and \$29,994 to the Rensselaer City School District. This was premised in part on a projection of 393 occupants at full build-out, with 40 school-age children. The comments and responses below focus on the rental apartment development scenario.

**Comment 3.9-1.** *"Project Generation Population"* (page 46) - It is not clear from the information provided in this section of the SDEIS whether or not the methodology used to determine the anticipated population increases generated by the proposed project account for the number of existing City residents who might possibly relocate to the new housing offered by this project from within the City of Rensselaer. The methodology clearly accounts for anticipated population increases based on the number of new residential units using known new housing population multipliers, but it does not draw a clear distinction as to how many of these new residents to this specific development will come from outside the City of Rensselaer or are simply relocating to this new housing from within the City. The narrative in this section and Table 3.9-1 should be updated to provide this information [B&L-1].

**Response 3.9-1:** The appropriate methodology for calculating changes to school district enrollment is to project the number of school aged children (SAC) that a residential project will contain and net out any of whom that would not attend public school. The Applicant's analysis therefore assumes that 173 residential units will be added to the City's stock of housing and that will "create" 73 new SAC of whom 69 will attend public school.

Standard fiscal impact methodology does not consider the origin of the SAC occupants of the project in question. Whether the projected SAC are current residents of the

municipality in question or residents of another municipality (or for that matter do not exist but will be born some point in the future to parents who are occupants of the project) is not relevant to the question of how many SAC will live at the project and attend a public school in the school district.

The future occupants of the Project who are now City residents by definition may currently occupy a certain number of residential units within the City. Upon occupancy of the Project, they will vacate their current residential units within the City, presumably, other households will lease/buy/occupy the various vacated premises and those future occupants of the vacated premises will be similar in nature and composition as the previous occupants who now live at the Project. Therefore, the vacated premises will contain as many SAC as exist prior to the Project and the Project will create 73 new SAC of whom 69 will attend public school. Therefore, the School District will see an enrollment increase of 69 students.

If we deviated from this standard assumption as suggested by the commentor, the projected enrollment at the School District would fall. For example, if we assumed that 10 SAC moved from within the City to the Project and their existing residential units were not occupied (or backfilled) by any SAC, then the change in the number of new SAC would fall from 73 to 63. We would then net out the non-public school SAC for a net figure of approximately 59 new SAC in the School District. The table below carries out the calculations of net impact in a situation where the increase in SAC is 69 versus 59. As we can see, the impact becomes more positive under the non-standard methodology.

Changes to School District Cost		
	Standard Methodology	Non-Standard Methodology
New Public SAC	69	59
Average Cost per SAC	\$13,776	\$13,776
Total New Costs	\$950,547	\$812,786
Average State Aid per SAC	\$8,306	\$8,306
Total New State Aid	\$573,132	\$490,069

Property Tax from Project	\$391,337	\$391,337
Net Impact	\$13,922	\$68,620

Our analysis includes the assumption that some of the 73 new students will be students who qualify for special education and that the school district will thereby incur associated special education costs.

Attachment A of the report shows how we arrived at \$13,776 per student of variable cost, one line item of which is "Program for Students w/Dis-Med" (in the amount of \$2,768,225). A non-special education student would cost considerably less than the \$13,776 average figure and a special education student considerably more. Our assumption is that the proportion of special education students to non-special education students in the Project will be similar to the current mix of special education students to non-special education students in the School District. Therefore, on average, the group of new students coming from the Project will cost the district \$13,776 on average though a subset will cost more (special needs) and a subset will cost less (non special needs).

**Comment 3.9-2.** *"Rensselaer City Schools"* (page 50) - The methodology and information used to determine the number of school age children the project will generate is misleading due to the fact that it appears to only calculate the number of anticipated "new" school age children moving into the Rensselaer City School District as a result of this new project. The methodology does take into account and provide offsets for the number of school age children generated by the project that may attend private schools. However it does not provide any information on the anticipated number of school age children who anticipate on living in the housing provided by this project but who will simply be relocating to this development from other City neighborhoods and already attend school in the City of Rensselaer [B&L-2].

**Response 3.9.2-2:** See response 3.9.2-1.

**Comment 3.9-3.** The "Rensselaer City Schools" narrative, summary data and figures contained in the Camoin Associates "Cottage Hill Fiscal Impact Study" dated February of 2010 should be revised as per items #1 & #2 above, and resubmitted for review [B&L-3].

**Response 3.9-3:** See Response 3.9-1.

**Comment 3.9-4.** The \$57,000 issue, the revenue, you're saying we purchase wholesale and you sell it retail. We have to sell that water at that higher increased rate because

there's an unaccountable water factor. And when I was water principal (phonetic) for 15 years, when I left, I had it down 30%. But at one time, it was 45 to 50% of what we're surplusing to Troy, we were losing. So we were losing 50% of our revenue right off the get-go. So that's why there's a disparity. That's why we have to charge our rate at such a high amount for water. So with your analysis, I don't know if your analysis works, because you don't enter in that unaccounted for water factor and operations and maintenance of your infrastructure and what have you [Yonkers-PH5, Transcript page 27].

**Response 3.9-4:** See Response 3.9-5 below.

**Comment 3.9-5:** Under section 2.0, Fiscal Resources, Table 2.2.1 Summary of Net Annual Impacts, it shows an increase to the water fund of \$57,028.00. I do not agree with this figure. Did the analysis take into account the Water distribution unaccounted for water percentage? From the total gallons purchased from Troy the city loses 40% to 50% of its product, was that considered in the analysis? [Yonkers-7]

**Response 3.9-5:** The commenter is correct. The project would be supplied water by the City at a rate of \$4.95/1000 gallons. The City Water Department estimates that the City's water system loses approximately 30 percent of its water through leaks before that water can reach customers (and be billed). Thus, the City can only bill for 700 of each 1,000 gallons of water that it purchases from the City of Troy. This means that, for each 1,000 gallons purchased from Troy, the City recovers \$3.46, not \$4.95. This significantly reduces the net increase in the water fund as shown in the SDEIS. Based on the engineers' report included in Appendix D of the SDEIS, the project water usage is 49,456 gpd. This would amount to a net annual increase of approximately \$26,896 in the water fund.

## **Sections 4-8**

No Comments Received.

## **Appendices**

Comments were limited to Appendix C – "Master Stormwater Pollution Prevention Plan."

**Comment Appendix C-1.** As acknowledged in section 9.5, the SWPPP must update its reference to the current NYSDEC permit GP-0-1-001. This will occur when the site plan submittal is made per this section [B&L-4].

**Response Appendix C-1:** Comment noted. The SWPPP will be updated to reference GP-0-10-001, including any new requirements, as applicable, effective March 2011. The updated SWPPP will be provided during the site plan review process.

**Comment Appendix C-2.** Construction of sediment basin/traps and inlet protection devices for existing drainage features needs to occur earlier than step 8 and before site grading above these temporary protective devices. Size per NYSDEC guidelines at a minimum [B&L-5].

**Response Appendix C-2:** Temporary sediment traps and inlet protection should occur in conjunction with step 3, Install sediment control barriers down slope from construction activities that disturb site soil." This change will be incorporated into the revised SWPPP, to be submitted during the site plan review process.

**Comment Appendix C-3.** Identify source of water for frequent watering of the excavation and fill areas. Will this be via temporary, approved and metered City hydrants to a water truck? The watering is intended to minimize wind erosion and would be useful for the haul and construction roads for the project. For temporary soil stockpiles that dry quickly, temporary stabilization by seeding with grass is thought to be more effective and less dependent on frequent watering and diversion of labor to do so. This comment applies to section 5.2.2 also [B&L-6].

**Response Appendix C-3:** Water for dust control will either be brought to the site via water trucks or from metered hydrants with cooperation from the City. Temporary soil stockpiles will be stabilized with vegetation.

**Comment Appendix C-4.** Add "to satisfaction of MS4" in item 18 of the construction sequence [B&L-7].

**Response Appendix C-4:** These changes will be incorporated into the revised SWPPP, to be submitted during the site plan review process.

**Comment Appendix C-5.** It is anticipated that revised site plans yet to be submitted will further detail installation of specific BMP's (concrete washout stations, sediment basins,

mulching, etc.) and should incorporate input from any site contractor that may be involved with the project if known at that time [B&L-8].

**Response Appendix C-5:** These items will be incorporated into the revised site plans and SWPPP as necessary, to be submitted during the site plan review process.

**Comment Appendix C-6:** The plan proposes the construction of two NYSDEC type stormwater treatment practices for this project. The first and most significant is a P-1 type stormwater pond which will receive the greatest portion of the developed portions of the site. Water quality and water quantity treatment needs will be accommodated within this pond before discharging to two existing 24-inch RCP culverts at Cottage Hill Street, approximately 420 feet south of Partition Street. A second practice is a NYSDEC type dry swale near the northeast portion of the site to treat water quality for the portion of the new road that, due to topography, is tributary to Partition Street. This would receive a much smaller portion of the site drainage area. These practices seem like appropriate choices given the drainage areas tributary to them. A complete and detailed review of the revised hydrologic model has not yet occurred since the site plans have not been developed that will ultimately correspond to the model's intent. There will need to be provisions for the underdrain, overflow grate and filter sand permeability incorporated into the model for the dry swale practice. As currently modeled these features are not reflected to verify if the time periods of de-watering and freeboard requirements are satisfied. A more detailed review will occur when the site plans, profiles, landscaping plan and details are submitted [B&L-9].

**Response Appendix C-6:** Additional detail will be incorporated into the revised site plans and SWPPP as necessary, to be submitted during the site plan review process.

**Comment Appendix C-7:** The third paragraph discusses the reduction of drainage area and curve number for design point #3. This discussion should be supplemented to indicate why the curve number is reduced. It likely pertains to reduction of the clay cap of the landfill area as compared to the existing condition. This cap seems to have assumed C soils whereas most clay caps were constructed of more impervious D class clay soils. Use of D soil classification would result in greater runoff generation and possibly a larger stormwater pond which has some room to grow on its east side in our opinion [B&L-10].

**Response Appendix C-7:** The more impervious D type soil will be used to model stormwater runoff from the landfill. The revised SWPPP will be submitted during the site plan review process.

**Comment Appendix C-8:** Confirm amount of A, B, C and D soils are consistent between existing and proposed conditions models. Revise clay cap to D soils or provide comprehensive permeability test data of cap soils to prove otherwise [B&L-11].

**Response Appendix C-8:** The more impervious D type soil will be used to model stormwater runoff from the landfill. The revised SWPPP will be submitted during the site plan review process.

**Comment Appendix C-9:** Include section that discusses responsibility for inspections and maintenance. Owner shall be responsible for inspection and maintenance of stormwater management and collection system until project is completed, tributary lands are stabilized and storm sewer system is cleaned of accumulations of sediment and debris and City of Rensselaer approves construction [B&L-12].

**Response Appendix C-9:** Ownership and maintenance of the stormwater management and collection system will be the responsibility of the property owner for the life of the development. The revised SWPPP will clarify the ownership and maintenance responsibilities, and will be submitted during the site plan review process

**Comment Appendix C-10:** Show soil groups on both maps as well as extent of landfill cover. Indicate individual Tc components with type and length [B&L-13].

**Response Appendix C-10:** Additional detail will be incorporated into the revised SWPPP as requested, and submitted during the site plan review process.

**Comment Appendix C-11:** Utilize P=1.0 inches for water quality volume calculations [B&L-14].

**Response Appendix C-11:** This change will be incorporated into the revised SWPPP, to be submitted during the site plan review process.

**Comment Appendix C-12:** Supplement data with discussion and conclusions [B&L-15].

**Response Appendix C-12:** This change will be incorporated into the revised SWPPP, to be submitted during the site plan review process.



**Comment Appendix C-13:** Add new Appendix to incorporate a new map of existing storm sewer piping between Cottage Hill Street and the Quackenderry Creek. Are the twin 24-inch culverts near Wilson Street clean [B&L-16]?

**Response Appendix C-13:** The twin 24-inch culverts under Cottage Hill Street will be cleaned at the start of construction. This change will be incorporated into the revised SWPPP, to be submitted during the site plan review process.

### **3.0 REVISIONS TO SDEIS, DEIS**

### **Section 3.0 Project Description**

The following is added to Section 3.0 ("Project Description") of the SDEIS:

While the Applicant has revised the initial project to now include rental units only, the City of Rensselaer Common Council has stated that it believes that the resolution that rezoned the project site in 2005 allows only owner-occupied units, and that a further zoning amendment would be necessary to accommodate apartments. Accordingly, this FEIS addresses the environmental impacts of both the rental and owner-occupied scenarios, where appropriate.

## **Section 3.5 Transportation**

The discussion of traffic impacts from the Cottage Hill and UW Marx projects referenced in Responses to Comments 3.5-1 and 3.5-2 of this FEIS supplements the discussion of traffic impacts in Section 3.5 of the SDEIS.

### **Section 3.6 Police, Fire, and Emergency Services**

The discussion of police department resources contained in Response to Comment 3.6-7 of this FEIS, and the factual data tables presented therewith, supersede any previous inconsistent discussions and/or data regarding these subjects in the SDEIS or DEIS.

### **Section 3.9 Fiscal Resources**

The analysis of fiscal resources contained in Section 3.9 of the October 2008 DEIS evaluated the potential fiscal impacts of the project as it was then proposed as owner-occupied town home and condominium units. This analysis found a net estimated positive annual fiscal impact on the City of approximately \$39,100 and a net positive impact on the Rensselaer City School District of approximately \$292,000. The discussion of these fiscal impacts in Section 3.9 of the DEIS is hereby incorporated into this FEIS and is intended to complement the discussion of the fiscal impacts related to a rental-only project contained in Section 3.9 of the SDEIS.

**Appendix A:**  
**Transcript of June 14, 2010**  
**Public Hearing on SDEIS**

1 PLANNING COMMISSION  
2 RENSSELAER, NEW YORK

COPY

3 -----  
4 COTTAGE HILL, 96 PARTITION STREET  
5 -----

6 STENOGRAPHIC MINUTES OF PUBLIC HEARING conducted  
7 in the above-entitled matter on the 14th day of June,  
8 2010, at the Rensselaer City Hall, 62 Washington Street,  
9 Rensselaer, New York, commencing at 7:21 p.m.

10 PLANNING COMMISSION MEMBERS:

11 CHARLES MOORE, CHAIR  
12 JAMES AHLEMEYER  
13 FRANK ADAMS  
14 GEORGE FARRELL  
15 CHRISTINE VAN VORST  
16 TOM CARDAMONE  
17 ROBERT CAMPANO

18 SPECIAL COUNSEL TO THE CITY:

19 PHILIP H. DIXON, ESQ.  
20 Whiteman, Osterman & Hanna, LLP

21 ALSO PRESENT:

22 MARYBETH PETTIT, AICP, Planning Director  
23 KEVIN MCLOUGHLIN  
24 STEPHEN B. LE FEVRE, P.G., Barton & Loguidice, P.C.  
WALTER J. KUBOW, PE, CPESC, The Chazen Companies  
CHRIS ROUND, The Chazen Companies  
R. MICHAEL N'DOLO, Camoin Associates  
BEN ZIMMERMAN, Camoin Associates



1

1 PLANNING COMMISSION  
 2 RENSSELAER NEW YORK  
 3 -----  
 4 COTTAGE HILL: 96 PARTITION STREET  
 5 -----  
 6 STENOGRAPHIC MINUTES OF PUBLIC HEARING conducted  
 7 in the above-entitled matter on the 14th day of June,  
 8 2010 at the Rensselaer City Hall, 62 Washington Street  
 9 Rensselaer New York commencing at 7:21 p m  
 10  
 11 PLANNING COMMISSION MEMBERS:  
 12 CHARLES MOORE, CHAIR  
 13 JAMES AHLEMEYER  
 14 FRANK ADAMS  
 15 GEORGE FARRELL  
 16 CHRISTINE VAN VORST  
 17 TOM CARDAMONE  
 18 ROBERT CAMPANO  
 19  
 20 SPECIAL COUNSEL TO THE CITY:  
 21 PHILIP H. DIXON, ESQ.  
 22 Whiteman, Osterman & Hanna, LLP  
 23  
 24 ALSO PRESENT:  
 25 HARVBETH PETTIT, AICP, Planning Director  
 26 KEVIN MCLOUGHLIN  
 27 STEPHEN B. LE FEVRE, P.G., Barton & Loguidice, P.C.  
 28 WALTER J. KUBOW, PE, CPESC, The Chazen Companies  
 29 CHRIS ROUND, The Chazen Companies  
 30 R. MICHAEL N'DOLO, Camoin Associates  
 31 BEN ZIMMERMAN, Camoin Associates  
 32

2

SPEAKERS	PAGE
CHRIS ROUND, The Chazen Companies.....	3
WALTER KUBOW, The Chazen Companies.....	6
STEPHEN LE FEVRE, Barton & Loguidice.....	10
R. MICHAEL N'DOLO, Camoin Associates.....	16
DAVID GARDNER, Resident.....	23
BILL SHELDON, Resident.....	24
GREG YONKERS, Resident.....	26
ANTOINETTE CRISTO, Partition Creek Development Corp.....	29

3

P R O C E E D I N G S

1 CHAIRMAN MOORE: Welcome to the City of  
 2 Rensselaer Planning Commission regular meeting  
 3 We reconvened in here because of the great crowd  
 4 The last item on the agenda is Cottage Hill,  
 5 96 Partition Street We're well into the  
 6 environmental review process and tonight's meeting  
 7 is for a public hearing to accept public comments  
 8 and questions We have a stenographer here  
 9 She'll be recording everything and the applicant  
 10 has to address all comments and questions  
 11 documented here for everyone to review at their  
 12 leisure.  
 13  
 14 But before we have the public comment period,  
 15 I'd just like to ask the applicant if you can just  
 16 give us a review of how things changed and where  
 17 you are now.  
 18 MR. ROUND: I'm Chris Round with the Chazen  
 19 Companies. I'm here tonight with Walter Kubow,  
 20 project engineer. You've seen Walter a number of  
 21 times with this project We have two folks from  
 22 Camoin Associates who did the fiscal impact  
 23 analysis for this particular project, Mike  
 24 N'dolo and Ben Zimmerman, project sponsor Andrew

4

1 Sciocchetti.  
 2 Just by way of background, we did submit a  
 3 final EIS and we addressed all the comments that  
 4 were heard at a public hearing back in November of  
 5 2008. And as a part of addressing those comments,  
 6 the project underwent some revisions and Walter's  
 7 gonna run through those in just a little bit. It  
 8 has changed both where the follow project is  
 9 located on the site, the size of the project, and  
 10 the scale of the impact And in most cases, the  
 11 impacts are nearly -- in all cases, the impacts  
 12 have been reduced as a result of project  
 13 modification  
 14 So we submitted a final EIS that we said may  
 15 address those adverse impacts that we felt we did  
 16 a pretty good job of trying to address the  
 17 public's comments and the Board's comments  
 18 Your engineer reviewed that in consultation  
 19 with your staff and said, "Hey, we think the  
 20 changes are significant enough that we'd like to  
 21 see additional public comment on this "  
 22 So if the public feels disserved by the  
 23 process, what we did do is we included -- we  
 24 submitted a Supplemental Draft Environmental

Impact Statement, which basically summarized the project. It's been published on the website and it did compare the old versus the new and it did include the whole inventory of those comments previously heard and our responses to those. And so you're gonna get another opportunity to provide comments.

What will happen at the close of this public hearing is we'll prepare responses to those comments and then the Board will judge whether we've done an adequate job.

So many of the impacts revolved around traffic and the visual impact by virtue of the siting of this project adjacent to the landfill and leachate or perceived leachate from that former municipal landfill.

A lot of comments -- I know Walter and I were talking -- were focused on stormwater impacts that have the potential to impact the neighborhood and downstream facilities and then what to do with wastewater, because there's a variety of municipal issues with respect to wastewater and sewer overflows.

Walter's just gonna run through this and show

you the old plan, then show you the new plan to try to get a sense of how the project's changed so the public can make intelligent comments on that.

The format typically is the public hearing addressing comments to this Board. If, after you hear those comments, you would like us to redirect some response, we won't be able to respond to all the comments tonight, but we can certainly offer clarifying information or amplify what's already in the Supplemental Draft EIS so the public has a good understanding of what's going on.

I'll turn it over to Walter and let Walter run through that.

MR. KUBOW: Hi. I'm Walter Kubow with Chazen Companies. As Chris mentioned, I'm going to briefly discuss some of the things that have changed with the project.

This is the project previously proposed and there was a complete review on this project. You can see we have buildings fronting Partition Street, town home buildings, 30 units there, and we have another 150 condominium units on the opposite side of the landfill up on the hill.

This facility here was an eight-story

building as proposed previously and we had access off of Partition Street and Cottage Hill Street. This was intended to be a subdivision with the roads and infrastructure dedicated to the city for ownership and easement.

The revised project has scaled back the amount of development. We no longer have buildings fronting Partition Street. We have a total of 173 units as opposed to 180 and they're located within several three- and four-story buildings. No buildings are taller than four stories.

These are not intended to be subdivided out. They're intended to be apartment units and all of the roads infrastructure on-site are intended to be privately owned and will not become the responsibility of the city. We also removed the entrance at Cottage Hill Street.

I'll go over some of the statistics. As I mentioned, the previous project had 180 condominium units. We're now proposing 173 apartment units. The previous disturbance area was approximately 21 acres. The disturbance area associated with this revised project is

approximately 15 acres. The retaining wall was another issue that we revised. We had a rather large retaining wall on the landfill because of the units on Partition Street that was approximately 14 or 15 feet. We now have no retaining wall greater than eight feet in height proposed and that would be this one back here. (Indicating)

With the change in occupancy, we have a change in number of residents and the number of school-age children projected. That went from with the previous project about 383 residents we projected to currently 464 residents. And, previously, we had 40 school-age children and we now have projected 73.

The water demand didn't change. We're basically at approximately 50,000 gallons per day of water/sewer for this project, which the city has capacity. Chris had mentioned some of the previous issues we discussed on the sewer and we subsequently determined that the sewer leaving Wilson Street and as it goes through the city, it actually bypasses the combined sewer overflow and goes directly into the county trunk line.

1 Drainage, I know we had some previous  
2 comments on stormwater. One of the things we did  
3 with this project is we left the stormwater  
4 management basin as large as it was previously  
5 and, yet, scaled back the project previous area  
6 quite a bit and the calculations that I've done  
7 have shown now that will not only meet the peak  
8 rates of discharge, which is what we intended to  
9 do originally, but we're looking at a reduction of  
10 discharge rates that's gallons per minute, feet  
11 per second that will actually be reduced from  
12 what's existing today by up to 20 percent.

13 The limits of the existing landfill are shown  
14 pretty clearly on here. We had done testing to  
15 determine what those limits were. We also had  
16 done some testing to verify the cover.

17 There was some erosion that was recently  
18 repaired and we also did explosive gas surveys.  
19 The project is proposing active sub-slab  
20 de-pressurization for the buildings. That's  
21 basically fans removing any gases that might come  
22 up from the soil before it gets to the building.

23 I think I'm done. I have nothing else unless  
24 you have something.

1 CHAIRMAN MOORE: I'm just gonna ask our city  
2 engineer to go over some brief comments that he  
3 has. The main point is to get the public's  
4 comments.

5 MR. LE FEVRE: Hi. I'm Steve Le Fevre with  
6 Barton & Loguidice. I'm the managing head  
7 geologist. I'm the representative for Barton &  
8 Loguidice reviewing this project.

9 I guess the only other change that I would  
10 like to indicate besides what Walter mentioned was  
11 that based upon the revised demographics, the  
12 fiscal impact of the project changed. The  
13 original project would have generated an estimated  
14 surplus to the city of approximately \$39,100 and  
15 net surplus to the school district of  
16 approximately \$292,000.

17 When the FEIS was originally submitted in  
18 November, 2009, that document indicated that the  
19 revised project would result in an estimated  
20 shortfall to the city of approximately \$57,000 and  
21 a shortfall to the school district of  
22 approximately \$48,500. Then, in March, 2010, when  
23 the Supplemental EIS was submitted, that document  
24 contained a revised fiscal impact analysis that

1 had been prepared by Camoin Associates and based  
2 upon that document, there was gonna be a net  
3 increase to the city -- based upon the project and  
4 without going into specifics, there was going to  
5 be a net increase of \$15,000 to the school  
6 district.

7 Now, in reviewing the assumptions that were  
8 made in preparing that fiscal impact analysis, one  
9 of the things we noticed is that it's not clear  
10 from the information provided whether or not the  
11 methodology used to determine anticipated  
12 increases generated by the proposed project  
13 account for the number of existing city residents  
14 that might possibly relocate to the new housing  
15 offered by this project from within the City of  
16 Rensselaer.

17 In other words, it appears it's not clear to  
18 us whether or not the fiscal impact analysis  
19 assumed that all the people that are gonna move  
20 into this apartment complex resided outside of  
21 Rensselaer County. Okay? It's probably likely  
22 that some people are going to be moving from  
23 within Rensselaer County.

24 So with regards to the school district, that

1 same point applies. The fiscal impact analysis  
2 seems to indicate that based upon the amount of  
3 school-age that the school district receives based  
4 upon the influx of new students that all these  
5 students will be coming from outside the area  
6 when, in fact, it's probably more the case that  
7 some of these students are just relocating from  
8 within the city school district.

9 The fiscal impact analysis also doesn't  
10 anticipate that any of the children living in the  
11 housing project are gonna go to private schools in  
12 which case if they go to private schools, they're  
13 not eligible for state aid. So I just feel that  
14 those assumptions should be clarified.

15 And then the only other thing that we looked  
16 at was we did look at the management stormwater  
17 pollution plan that's contained in Appendix C of  
18 the Supplemental Environmental Impact Statement.  
19 And, you know, as Walter indicated, the project's  
20 been downsized, so the impact and the ability of  
21 the site to accommodate stormwater flow seems to  
22 be adequate.

23 The only thing that we would recommend, and  
24 this was something that we discussed before, was

<p>13</p> <p>1 whether or not the existing storm drainage and</p> <p>2 sanitary sewer points that will accept runoff and</p> <p>3 wastewater from the project, we need to verify</p> <p>4 that they're clean. We discussed before that they</p> <p>5 could be blocked due to debris or due to root</p> <p>6 growth. So we think that that should be looked</p> <p>7 at.</p> <p>8 And the other thing is we feel that the post</p> <p>9 construction inspection and maintenance section of</p> <p>10 the SWPPP should discuss the responsibility for</p> <p>11 inspection and maintenance of the stormwater</p> <p>12 management system after it's been constructed</p> <p>13 And all the other points are really, you know,</p> <p>14 just real technical, like calculations.</p> <p>15 CHAIRMAN MOORE: We may have just a couple</p> <p>16 questions from the Board. I'd like to open it up</p> <p>17 to you guys before we open up the public hearing,</p> <p>18 just anything you've been thinking about</p> <p>19 MS. VAN VORST: As far as the school, I don't</p> <p>20 understand where they come up with the figures for</p> <p>21 the school versus when they had it as the</p> <p>22 condominium. Usually, with condominiums, you have</p> <p>23 either single people or you have older folks</p> <p>24 whose children are pretty well grown or have moved</p>	<p>15</p> <p>1 '10 draft EIS, I don't know what the net change</p> <p>2 there is, but the '09 draft said a total cost to</p> <p>3 the city and school of \$105,000 a year and you can</p> <p>4 see the figures. And I don't know -- he mentioned</p> <p>5 a \$15,000 gain to the school in the March, '10</p> <p>6 proposal. I don't know what the city gain is, but</p> <p>7 I understand that's a modest gain under the March,</p> <p>8 '10 proposal.</p> <p>9 Can you explain the change from the '09 draft</p> <p>10 of \$105,000 cost to a gain in the March, '10 draft</p> <p>11 EIS, the main factors?</p> <p>12 MR. ROUND: Would you like us to go into that</p> <p>13 for now?</p> <p>14 MR. CAMPANO: That would be helpful for me</p> <p>15 MR. ROUND: I'll pass it over to Michael</p> <p>16 N'dolo who's the fiscal impact analysis person.</p> <p>17 UNIDENTIFIED MALE: I know the project began</p> <p>18 as a condominium which was, you know, with</p> <p>19 marketing, financing, selling in the market, so</p> <p>20 through the process of SEQRA and Environmental</p> <p>21 Impact Statement and market conditions, we come to</p> <p>22 the project as it is now. I think Mr. N'dolo can</p> <p>23 explain the impact as it is with this project. I</p> <p>24 don't think we're prepared as a group to explain</p>
<p>14</p> <p>1 out so, therefore, there wouldn't have been a big</p> <p>2 increase in regards to the school</p> <p>3 But I think with rental apartments, a minimum</p> <p>4 of two per family, you're talking 346 students and</p> <p>5 that's assuming that part of that comes from one</p> <p>6 area to the other area. I still think we're gonna</p> <p>7 run into a problem with trying to pay the school</p> <p>8 bill, because it's expensive when we get children</p> <p>9 in. I think the average cost is about \$5,000 per</p> <p>10 student to educate a student and that's not</p> <p>11 counting a student that has special needs where if</p> <p>12 they are required to go to, let's say, Glenmont</p> <p>13 because they offer special classes that the City</p> <p>14 of Rensselaer can't offer, we would have to pay</p> <p>15 for that student to go there.</p> <p>16 MR. CAMPANO: This is all on fiscal impact</p> <p>17 The original proposal yielded a total gain to the</p> <p>18 city and school of \$331,000 annually and then the</p> <p>19 2009 draft EIS resulted in the total cost to the</p> <p>20 city and school of \$105,000. So that's a total</p> <p>21 change of \$436,000 per year from the original</p> <p>22 proposal to the '09 draft. That's a cause for</p> <p>23 concern.</p> <p>24 When you go from the '09 draft to the March,</p>	<p>16</p> <p>1 the project on the table, and I'm not saying we</p> <p>2 don't want to explain it but --</p> <p>3 MR. CAMPANO: I didn't ask that. I want to</p> <p>4 know the main factors getting us from the \$105,000</p> <p>5 in the '09 draft EIS.</p> <p>6 MR. ROUND: The clarification of the first</p> <p>7 analysis versus the second analysis, not the old</p> <p>8 project versus the new project.</p> <p>9 UNIDENTIFIED MALE: Okay.</p> <p>10 MR. ROUND: Chazen didn't -- basically, our</p> <p>11 scope was very limited. Fiscal impact was not an</p> <p>12 issue of concern. The first project clearly had a</p> <p>13 positive fiscal impact. So when we re-did the</p> <p>14 analysis, basically, it was limited in scope. We</p> <p>15 did not do the detailed analysis that Camoin has</p> <p>16 done, and Michael will go into that, where they</p> <p>17 actually analyzed the city budget, looked at</p> <p>18 specific operations, looked at variable versus</p> <p>19 fixed costs and without going further into that,</p> <p>20 I'll let Michael talk about it.</p> <p>21 They also captured some one-time impacts,</p> <p>22 too, which have a positive impact for the city.</p> <p>23 MR. N'DOLO: I'm Michael N'dolo from Camoin</p> <p>24 Associates. We looked at the fiscal impact and I</p>

certainly can appreciate the question. You're seeing two sets of numbers. What's the difference? And the difference, as Chris just mentioned, is the level and sophistication of the analysis. In particular, we went through your budget department by department, line by line and we assigned either fixed or variable, which means today, if you have a project, you have houses, you have a retail store, whatever it is, it's at a number that's likely to change.

As an example, for the school district, we determined based on the number of school-age children that you're not gonna have to build a new school. So a fixed cost is your debt service on capital projects. You're not gonna have more debt even though you have more students.

An example for the city might be you're not necessarily going to change the mayor's salary because he has one additional residential complex that's there. So we went through that, you know, in a fine tooth way and we pulled out what were fixed costs.

Secondly, we went through the trouble of interviewing many, not quite all but most, of your

department heads, the deputy chief of police, fire, some operations folks, and we said, "Here's the project. You know your department. We can do an estimate, but we want you to tell us what is likely to change."

And what we took is we took our estimate and we took what they said and whichever was higher in terms of cost impact would be the most conservative, we took the higher of those two numbers and said that's the impact. That's the first step. We did more of an analysis there.

Secondly, in the analysis, there's some additional revenues that weren't originally included that were significant. In particular, you have an interesting arrangement with your water services. You purchase water on a bulk contract and you sell it at retail price; okay? And there's a very large difference between the two, the difference between what you pay for distribution, that kind of thing. This is gonna be a significant water user and significant sewer user. They're going to be purchasing at the retail price, but you're going to be buying at the wholesale price. And since your fixed costs are

fixed, basically, you're making up on the difference between those two prices. That's about \$57,000, just that difference right there.

MR. CAMPANO: How much?

MR. N'DOLO: \$57,000 that you're gonna have additional water revenues over and above the additional cost to your water department to provide those services, according to our analysis.

There's also some additional sales tax revenue. Now, you don't collect sales tax directly. You might say, "Well, why need more sales tax revenue?"

One of the reasons is sales tax is distributed by formula from the county. You have additional residents and additional assessed value in your city. You get a slightly increased amount of the total collection.

We also assume that there will be certain additional sales because you have some more residents in the city and that would generate more revenue to the county which trickles down to the city. It wasn't a huge number, but it was definitely there.

So those are the three main differences. For

the school district, we looked at the same things, fixed costs versus variable costs. We did, in fact, pull up private school students at the same rate as they're currently right now, which is about, I believe it was, six percent of school-age children in the city -- six percent of your school-age children go to private school. We assumed the same thing.

So of the 73 school-age children, we projected that four of them would be private schooled. We pulled that out. You get 69 students. Then, we said, well, there's a cost of educating them, but the State has certain state aid that assists on a per pupil basis and we said you have this much additional per cost, this much additional state aid, here's your net cost in your district, aggregated that off 69 students times the net cost per student and we compared that to how much property tax the development's going to produce and that's how we get to a surplus for the school district.

I think if you haven't had a chance to see it, I will just mention we have a summary memo that describes this exact question in detail which

1 is original analysis, new analysis, what's the  
2 difference. And on page three of that memo,  
3 there's a table that shows the assumptions, what  
4 they were in the original analysis, what they are  
5 in our analysis and how they differ. That should  
6 be, I would hope, a very clear and easy way to  
7 walk through it

8 And just to provide a little bit of clarity  
9 in terms of for your benefit asking the question  
10 what the exact number is, we believe based on our  
11 analysis that after accounting for all costs and  
12 all revenue of the project that the city general  
13 fund will hold a net positive of about \$3,000 a  
14 year and the city water fund, as I mentioned  
15 previously, is about \$57,000 for a total of 60 and  
16 the school district number was, I believe, \$14,000  
17 for the school district.

18 So, again, after accounting for all the  
19 revenues, essentially, you're gonna be \$60,000 for  
20 the city, including the water fund, and \$14,000  
21 for the schools.

22 I'll just mention as well that we calculated  
23 some one-time impact fees of over a million  
24 dollars but under \$2 million, and that's just pure

1 revenue for the city based on water hook-up fees,  
2 sewer hook-up fees and a sewer impact fee.

3 UNIDENTIFIED MALE: There were a couple  
4 specific questions I'd like to address as well.  
5 In regards to special education, we actually did  
6 take that into account and calculated per student  
7 cost and in terms of number of students per  
8 household, what we used was the Rucker model.  
9 It's sort of a nationally recognized model for  
10 projecting that's dependent upon the size of the  
11 household and size of the district. So there's  
12 value to that.

13 Just to double check, we compared it to -- we  
14 took total housing in the city right now, compared  
15 that to the number of current school-age children  
16 and that number was actually lower than the  
17 Rucker's number. So we used the Rucker's number  
18 instead to be conservative on that.

19 MR. CAMPANO: Do we have a copy of the memo  
20 that he referred to?

21 MR. ROUND: It's included in Section 394 of  
22 the Supplemental Draft EIS.

23 CHAIRMAN MOORE: Thank you. At this point,  
24 I'd like to open up the public hearing. Just to

1 try and keep this as concise and thorough as  
2 possible, everyone is welcome, we want your  
3 comments and questions. As I said, everything  
4 will be recorded, so everything will be addressed.

5 Just before you speak, please say your name  
6 for the record and if you have something to say  
7 and you heard someone say it before, it doesn't  
8 need to be repeated, because it will be recorded.

9 So please stand and state your name.

10 MR. GARDNER: Dave Gardner, 905 6th Street.  
11 Just three quick questions here. Number one: Are  
12 these units going to be owner-occupied or are they  
13 just gonna be like an apartment complex?

14 MS. VAN VORST: Rental.

15 MR. GARDNER: Number two: This stormwater  
16 pond here, this is gonna be at the bottom of  
17 Cottage Hill. Is there gonna be any kind of a  
18 fence or anything around that? There's a lot of  
19 kids in our neighborhood. What's to keep the kids  
20 from going in there?

21 And another thing with the water runoff, that  
22 water's eventually gonna wind up in that crick;  
23 correct? You guys can't plan for a storm like we  
24 had in 2008. We had five inches of rain in a

1 couple hours. We had seven feet of water in my  
2 house. He had about eight feet of water in his  
3 house. (Indicating)

4 You can't tell me -- you're not gonna  
5 convince me that that little pond is not gonna --  
6 all that runoff is gonna not affect our  
7 neighborhood even that far down the street from  
8 our house.

9 When that water runs into that pipe,  
10 eventually, it's gonna back up into our  
11 neighborhood. So that's not gonna work, I'll tell  
12 you that right now. I'm not an engineer, but I've  
13 lived in that neighborhood for 22 years and that's  
14 not gonna work.

15 The last thing is this road at the bottom  
16 here, there's a stop sign there. Right now,  
17 there's only a couple dozen houses up this hill.  
18 I bet you every day that eight or nine cars go  
19 through that stop sign. You want to put 173 cars  
20 through that intersection or a hundred cars? That  
21 ain't gonna work either. It's not the way to get  
22 that traffic out of there.

23 MR. SHELDON: My name is Bill Sheldon. I  
24 live on Wilson Street --

1 CHAIRMAN MOORE: Please direct to me  
2 We're responsible for addressing your comments  
3 MR. SHELDON: I'm Bill Sheldon. I live at 21  
Wilson.

4 The first question I wanted to ask is from  
5 what I gathered from this information, this will  
6 end up to be low income housing and that  
7 shouldn't even happen right there. But on the  
8 other hand, at the bottom of the street of Cottage  
9 Hill Road is my street and if they route the  
10 traffic over the other street, that's a lot of  
11 traffic. If they route it down my street, when  
12 you park a car on my street, you're lucky you can  
13 get a car down that street. And you know, like  
14 they said, most times -- you got 173 units. Well,  
15 average a car and a half to each one. There's  
16 gonna be a lot more cars, and that's true, that  
17 route there, Wilson Street, cannot accommodate all  
18 that, all them vehicles, believe me when I tell  
19 you.

20 Plus, we have a Little League field there and  
21 we have kids all over the place and that traffic  
22 will be murder. I just think that it's very bad  
23 as far as it's bad now, so it's gonna get 10 times  
24

1 worse with that many vehicles.

2 CHAIRMAN MOORE: Thank you.

3 MR. YONKERS: Greg Yonkers. I live at 119  
4 Harrison Avenue, just north of the proposed  
5 project. I'm speaking on my opinion. I'm totally  
6 against the project. I don't believe the  
7 transportation issue is not gonna affect have no  
8 negative impact. I don't agree with so called  
9 stormwater management that it's not gonna have  
10 impact.

11 I don't agree with the delineation of the  
12 proposing landfill. I don't know who made the  
13 limits of the landfill when it was, if the DEC did  
14 it. In the report 1986, they took it off the  
15 hazardous waste list. Why? Because they said  
16 they had significant information that there was no  
17 leachate or no problems. I don't agree with that  
18 either.

19 There was hazardous waste coming throughout  
20 that property in the '50s, '60s, '70s and anybody  
21 who lived then can tell you. Wherever that  
22 delineation is, and I believe it's by the road and  
23 not by the next proposed project, I don't buy that  
24 either. I want some more information. I'm gonna

1 have some written comments to the Planning  
2 Commission and to DEC.

3 In this report I downloaded today, it said  
4 that supposedly the capped landfill is inadequate  
5 right now, doesn't have adequate two-foot cover  
6 and they proposed to put the adequate cover on  
7 after start of construction of the project, which  
8 I think that's stupid.

9 If you have a significant landfill -- this is  
10 number 10 in New York State hazardous waste and  
11 you look up in the archives, Times Union, I'm not  
12 prepared to take that out right now, but it's  
13 documented. To say there's no negative impact for  
14 traffic, for stormwater management, for potable  
15 water, I don't buy it.

16 The \$57,000 issue, the revenue, you're saying  
17 we purchase wholesale and you sell it retail. We  
18 have to sell that water at that higher increased  
19 rate because there's an unaccountable water  
20 factor. And when I was water principal (phonetic)  
21 for 15 years, when I left, I had it down 30  
22 percent. But at one time, it was 45 to 50 percent  
23 of what we're surplusing to Troy, we were losing.  
24 So we were losing 50 percent of our revenue right

1 off the get-go. So that's why there's a  
2 disparity. That's why we have to charge our rate  
3 at such a high amount for water.

4 So with your analysis, I don't know if your  
5 analysis works, because you don't enter in that  
6 unaccounted for water factor and operations and  
7 maintenance of your infrastructure and what have  
8 you.

9 What else do I got here? Oh, I don't agree  
10 with going from owner-occupied to rental property.  
11 Our city has over 50 percent of rental property.  
12 We don't need any more. It's full. And you know  
13 what? It's all grandiose, then all of a sudden,  
14 in 10 years comes Section 8. We've seen it over  
15 and over and over. I'm just telling you I don't  
16 agree with it. I'm gonna put my comments in  
17 writing by -- the 21st, it is?

18 CHAIRMAN MOORE: 21st, yes.

19 MR. YONKERS: I think so. So I wanted to  
20 express my opinion in that regard, and I probably  
21 have a couple more here. The owner has to  
22 complete a survey of private domestic wealth and  
23 it says the owner has completed many of the  
24 required items. What were the required items?

1 Whatever was completed of the required items, they  
2 have to address certain leachate, perform  
3 inspections, conduct an explosive gas survey Was  
it done on the entire property or just one  
designated area? I would drill wells, monitor  
6 wells, in the whole area. I don't think that was  
7 ever monitored properly when it was the landfill  
8 I don't think DEC was ever near the City of  
9 Rensselaer when it was a landfill.

10 So if you want a complete analysis, do a  
11 complete parcel, not just a section of it. It  
12 says the owner has to have a remediation plan. Is  
13 that done? When is that gonna be completed? I  
14 would think you'd have to remediate your landfill  
15 before you put any houses or anything on the  
16 property, not do it after you build something.

17 So these are my comments. Once again, I'm  
18 against the proposed project and I'll put my  
19 comments in writing to the Board and to DEC

20 MS. CRISTO: My name is Antoinette Cristo. I  
21 represent Partition Street Development Corporation  
22 who owns the adjacent property. For the record, I  
23 just want to note that we were not notified of the  
24 public hearing on November 10th, 2008. And my

1 understanding was that the adjacent property  
2 owners should have been notified of a public  
3 hearing. Is that customary policy?

4 MR. MCLOUGHLIN: Are you within the city  
5 limits?

6 MS. CRISTO: Well, we own the property. We  
7 should have been notified, or no?

8 MS. PETTIT: Only within the city limits.

9 MR. MCLOUGHLIN: You own the property  
10 adjacent?

11 MS. CRISTO: Uh-huh. So we own property both  
12 within the City of Rensselaer and Town of East  
13 Greenbush adjoining the property. We are the  
14 adjacent property owners. I just want to make a  
15 record note that we were not notified of that.

16 MR. MCLOUGHLIN: I'm sure whatever the  
17 address of record for that little parcel was, we  
18 sent a letter.

19 MS. CRISTO: No.

20 MS. VAN VORST: Can we just double check and  
21 make sure for the record?

22 MR. MCLOUGHLIN: Sure.

23 MS. CRISTO: I'm sure if I were sent that, I  
24 would have attended the hearing. I was not

1 notified, I know that for a fact. So that's the  
2 history. I did receive notification of this  
3 hearing after I called Mary Beth Pettit and then  
4 she sent it to me, not before.

5 The traffic plan that was noted on page 29  
6 says there's going to be a maximum of 10 cars  
7 additional. I don't understand that, because  
8 there's 173 units and I'm sure they're not all  
9 walking. And I know there's not a public bus that  
10 goes up and down the road, and I don't know if  
11 there is any proposal or anybody contacted CDTA to  
12 see if there was gonna be any public  
13 transportation going up and down the whole area.  
14 That might be a way to resolve a lot of traffic if  
15 CDTA was there. I know they stop at Third Avenue  
16 on Partition Street, CDTA, but they don't go down  
17 the hill and up the hill.

18 We own exactly 0.4 acres in the City of  
19 Rensselaer and the entrance off of Partition  
20 Street where the planned project is is right  
21 adjacent to our property line. And on one of the  
22 plans, it doesn't show it here, but on the  
23 landscape plan, it shows there's trees that are  
24 planted right along the line. So what is the

1 setback for that as -- what's the required setback  
2 for that? If there's trees planted all along that  
3 property line, trees grow and, eventually, our  
4 entrance could be covered over with trees.

5 So I don't know. What is the setback, does  
6 anybody know, for the tree line?

7 CHAIRMAN MOORE: It will be addressed

8 MS. CRISTO: So you don't know what that is  
9 Okay. Now, the 0.4 acres is what's in Rensselaer,  
10 as I said. The adjacent property line which goes  
11 from north to south, running north to south, is  
12 all -- we are all in East Greenbush, Town of East  
13 Greenbush, so I feel that a fence certainly should  
14 be put up between the two property lines,  
15 especially if you're gonna have children there.  
16 If you're gonna have 173 units, and I don't know,  
17 maybe you could have two children per unit, there  
18 could be 346 kids --

19 MS. VAN VORST: Possibly.

20 MS. CRISTO: -- running between the  
21 properties and I just think something needs to be  
22 addressed there where there could be an  
23 established boundary. I don't know what kind of  
24 fencing or, you know, how they would want to do



1 that. I think that's important for the safety of  
2 the children in the project and certainly to not  
3 have anybody infringe on our property

I agree that that stormwater pond is  
questionable, but it remains to be seen when the  
6 next storm comes. The stop sign at the bottom of  
7 the hill, should that not be a traffic light to  
8 control the traffic better?

9 Because if it's continuous traffic during the  
10 morning hours, rush hours, the evening hours  
11 coming home, I could see a lot of traffic coming  
12 through there and making it difficult for the  
13 people on Cottage Street and -- 6th Street is the  
14 other one, right? So at that intersection, a  
15 better traffic control device, I think, would be  
16 better.

17 I guess that's it. Thank you.

18 CHAIRMAN MOORE: Thank you.

19 It's mainly been people speaking against the  
20 project. Is there anyone here who would like to  
21 speak in favor of the project besides -- is there  
22 anyone else that would like to say anything? It  
23 will be recorded and addressed.

24 (No affirmative response.)

1 CHAIRMAN MOORE: At this point then, I'd like  
2 to thank everyone. Again, all these questions and  
3 comments will be addressed in the next few weeks.  
4 You also have until the 21st, so anything you  
5 don't think of tonight, submit it in writing and  
6 that will be addressed as well.

7 MS. PETTIT: Phil has brought up a point that  
8 we need to extend the public comment period to  
9 the 24th of June.

10 MR. DIXON: Or even the 28th. There are  
11 supposed to be 10 days from hearing to the end of  
12 the written comment period. So make it to June  
13 28th instead of June 21st and that will take care  
14 of that.

15 CHAIRMAN MOORE: So we will have the public  
16 comment period open until the 28th. So anything  
17 you don't think of, please submit your comments.

18 So with that, I'd like to close the public  
19 comment period. I'll entertain a motion to close

20 MS. VAN VORST: Motion to close the public  
21 hearing

22 MR. ADAMS: Second.

23 CHAIRMAN MOORE: All in favor?

24 (Affirmative responses.)

1 CHAIRMAN MOORE: The public hearing is  
2 closed. The public comment period is still open.  
3 Thank you very much.  
4 (Whereupon, at 8:06 p.m., the public hearing  
5 was closed.)

6 \* \* \* \* \*

# 1 CERTIFICATION

2  
3 I, THERESA L. KLOS Shorthand Reporter and Notary  
4 Public within and for the State of New York, do hereby  
5 CERTIFY that the foregoing record taken by me at the time  
6 and place noted in the heading hereof is a true and  
7 accurate transcript of same, to the best of my ability  
8 and belief.

9  
10  
11 -----  
12 THERESA L. KLOS  
13

14 Dated: July 7, 2010.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

## Appendix B: Written Comments on SDEIS

# CITY OF RENSSELAER

---

62 WASHINGTON STREET  
RENSSELAER, NEW YORK 12144

TELEPHONE: (518) 462-9511  
FAX: (518) 462-9895

May 3, 2010

Planning Commission  
City of Rensselaer  
City Hall  
62 Washington Street  
Rensselaer, New York 12144  
Attention: Mary Beth Pettit

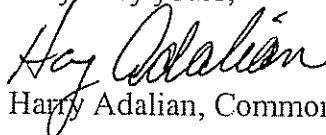
Re: Cottage Hill Residential Development (the "Project")  
Local Law #2 of 2005 (the "Ordinance")

Dear Ms. Pettit:

I am writing in my capacity as the Common Council President and as a resident of the City of Rensselaer. I have recently had the opportunity to review the above referenced Ordinance that was adopted in connection with the Project. The Ordinance contained specific restrictions that were incorporated into the Ordinance. Most importantly, Sections A and C of the Ordinance provided that a specific condition to the rezoning of the property from LC to R3 was that the Project was to have no more than 180 owner-occupied units. It is my understanding that the proponent of the Project is now proposing apartments instead of the owner occupied town homes which was an express condition within the approval of the Ordinance. The proposed apartment use is not consistent with or permitted under the Ordinance.

I would request that the Planning Commission rescind the acceptance of the DEIS since it was based on an apartment use which does not comply with the Ordinance. In addition, I would request that the Planning Commission take no further action on the Project unless and until the Applicant for the Project submits a project that is fully consistent with the Ordinance. The Applicant should not be allowed to disavow the owner occupied condition of the Ordinance since he did not object to such condition at the time of the adoption of Local Law # of 2005. If the Applicant is dissatisfied with the conditions in the Ordinance then they must apply to the Common Council for a modification of the conditions within the Ordinance

Very truly yours,



Harry Adalian, Common Council President

cc. Honorable Daniel J. Dwyer

May 24, 2010

Ms. Marybeth Pettit  
Director of Planning  
City of Rensselaer  
62 Washington Street  
Rensselaer, New York 12054

Re: Technical Review of Supplemental Draft Environmental Impact Statement  
Cottage Hill Landings Residential Development

File: 1057.002

Dear Ms. Pettit:

We have completed our technical review of the Supplemental Draft Environmental Impact Statement (SDEIS) dated March 9, 2010 prepared by The Chazen Companies (TCC) for the proposed Cottage Hill Landings Residential Development. Based on our technical review of the SDEIS we offer the following comments:

### **Section 3.9 - Fiscal Resources**

#### 3.9.2 Potential Impacts:

1. *"Project Generation Population" (page 46)* - It is not clear from the information provided in this section of the SDEIS whether or not the methodology used to determine the anticipated population increases generated by the proposed project account for the number of existing City residents who might possibly relocate to the new housing offered by this project from within the City of Rensselaer. The methodology clearly accounts for anticipated population increases based on the number of new residential units using known new housing population multipliers, but it does not draw a clear distinction as to how many of these new residents to this specific development will come from outside the City of Rensselaer or are simply relocating to this new housing from within the City. The narrative in this section and Table 3.9-1 should be updated to provide this information.
2. *"Rensselaer City Schools" (page 50)* - The methodology and information used to determine the number of school age children the project will generate is misleading due to the fact that it appears to only calculate the number of anticipated "new" school age children moving into the Rensselaer City School District as a result of this new project. The methodology does take into account and provide offsets for the number of school age children generated by the project that may attend private schools. However it does not provide any information on the anticipated number of school age children who anticipate on living in the housing provided by this project but who will simply be relocating to this development from other City neighborhoods and already attend school in the City of Rensselaer.



Ms. Marybeth Pettit  
City of Rensselaer  
May 24, 2010  
Page 2

As noted in the SDEIS, the assumption that the project will generate a large number of new residents to the City of Rensselaer is correct. However it can also be reasonably anticipated that the project will attract many current/existing City residents who seek new housing opportunities within the city limits. Many of these people will seek to simply relocate from their current housing within the city to this new development. As such, it can also be reasonably assumed that a certain percentage of those "relocating" families will have school age children who are already enrolled in the City school district. The fiscal impact analysis provided by the applicant regarding possible impacts to the City of Rensselaer School District is silent on this segment of school age children.

The fiscal impact analysis narrative, calculations and data provided in this section and in tables 3.9-1 & 3.9-9 are therefore not accurate and should be revised to reflect any net positive or negative fiscal impacts anticipated by accounting for the number of school age children who already attend City schools but are simply relocating to this project from other housing within the City.

#### Appendix G: Fiscal Analysis:

1. The "Rensselaer City Schools" narrative, summary data and figures contained in the Camoin Associates "Cottage Hill Fiscal Impact Study" dated February of 2010 should be revised as per items #1 & #2 above, and resubmitted for review.

### **Supplemental Draft Environmental Impact Statement-Appendix C Master Stormwater Pollution Prevention Plan**

#### **Section 2.2 Operator's Responsibilities:**

1. As acknowledged in section 9.5, the SWPPP must update its reference to the current NYSDEC permit GP-0-1—001. This will occur when the site plan submittal is made per this section.

#### **Section 4.0 Construction Sequence:**

1. Construction of sediment basin/traps and inlet protection devices for existing drainage features needs to occur earlier than step 8 and before site grading above these temporary protective devices. Size per NYSDEC guidelines at a minimum.
2. Identify source of water for frequent watering of the excavation and fill areas. Will this be via temporary, approved and metered City hydrants to a water truck? The watering is intended to minimize wind erosion and would be useful for the haul and construction roads for the project. For temporary soil stockpiles that dry quickly, temporary



Ms. Marybeth Pettit  
City of Rensselaer  
May 24, 2010  
Page 3

stabilization by seeding with grass is thought to be more effective and less dependent on frequent watering and diversion of labor to do so. This comment applies to section 5.2.2 also.

3. Add "to satisfaction of MS4" in item 18 of the construction sequence.
4. It is anticipated that revised site plans yet to be submitted will further detail installation of specific BMP's (concrete washout stations, sediment basins, mulching, . . . etc.) and should incorporate input from any site contractor that may be involved with the project if known at that time.

#### **Section 6.0 Stormwater Management Plan:**

1. The plan proposes the construction of two NYSDEC type stormwater treatment practices for this project. The first and most significant is a P-1 type stormwater pond which will receive the greatest portion of the developed portions of the site. Water quality and water quantity treatment needs will be accommodated within this pond before discharging to two existing 24-inch RCP culverts at Cottage Hill Street, approximately 420 feet south of Partition Street. A second practice is a NYSDEC type dry swale near the northeast portion of the site to treat water quality for the portion of the new road that, due to topography, is tributary to Partition Street. This would receive a much smaller portion of the site drainage area. These practices seem like appropriate choices given the drainage areas tributary to them. A complete and detailed review of the revised hydrologic model has not yet occurred since the site plans have not been developed that will ultimately correspond to the model's intent. There will need to be provisions for the underdrain, overflow grate and filter sand permeability incorporated into the model for the dry swale practice. As currently modeled these features are not reflected to verify if the time periods of de-watering and freeboard requirements are satisfied. A more detailed review will occur when the site plans, profiles, landscaping plan and details are submitted.

#### **Section 6.5 Hydrologic and Hydraulic Calculations:**

1. The third paragraph discusses the reduction of drainage area and curve number for design point #3. This discussion should be supplemented to indicate why the curve number is reduced. It likely pertains to reduction of the clay cap of the landfill area as compared to the existing condition. This cap seems to have assumed C soils whereas most clay caps were constructed of more impervious D class clay soils. Use of D soil classification would result in greater runoff generation and possibly a larger stormwater pond which has some room to grow on its east side in our opinion.





Ms. Marybeth Pettit  
City of Rensselaer  
May 24, 2010  
Page 4

2. Confirm amount of A, B, C and D soils are consistent between existing and proposed conditions models. Revise clay cap to D soils or provide comprehensive permeability test data of cap soils to prove otherwise.

Appendix H: Post-Construction Inspections and Maintenance:

1. Include section that discusses responsibility for inspections and maintenance. Owner shall be responsible for inspection and maintenance of stormwater management and collection system until project is completed, tributary lands are stabilized and storm sewer system is cleaned of accumulations of sediment and debris and City of Rensselaer approves construction.

Figures 3 and 4: Pre-Development and Post Development Watershed Delineation Maps:

1. Show soil groups on both maps as well as extent of landfill cover. Indicate individual Tc components with type and length.

Appendix L: Design calculations:

1. Utilize P=1.0 inches for water quality volume calculations.

Appendix D: Burgh Schoonenberger Flow Data & NWS Rainfall Data:

1. Supplement data with discussion and conclusions.

Miscellaneous:

1. Add new Appendix to incorporate a new map of existing storm sewer piping between Cottage Hill Street and the Quackenderry Creek. Are the twin 24-inch culverts near Wilson Street clean?

It should be noted that this technical review is at the SGEIS phase and was without the benefit of revised plans that will need to be responsive to the previous comments from the City, community and TDE. It will also be important to determine the cleanliness of the various existing storm drainage and sanitary sewer pipes that will accept runoff and wastewater from this project to verify that modeled capacity is indeed available since much of the local infrastructure was compromised by the flooding a couple of years ago. Coordinate with the City and TDE.



Ms. Marybeth Pettit  
City of Rensselaer  
May 24, 2010  
Page 5

Should you have any questions regarding the above, or wish to discuss this matter in greater detail, please feel free to contact me at (518) 218-1801.

Very truly yours,

BARTON & LOGUIDICE, P.C.

A handwritten signature in cursive script that reads "Bradley D. Grant".

Bradley D. Grant  
Project Manager

BDG/ojf





STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
328 STATE STREET  
SCHENECTADY, NEW YORK 12305

Mary E Ivey  
Regional Director

Stanley Gee  
Commissioner

June 14, 2010

Ms. Mary Beth Petit, AICP  
Director of Planning, City of Rensselaer  
505 Broadway  
Rensselaer, NY 12144

**RE: Cottage Hill Landings  
Supplemental DEIS  
And DeLaet's Landing  
City of Rensselaer**

Dear Ms. Petit:

The New York State Department of Transportation (NYSDOT) Region One Planning Office has received and reviewed the Supplemental DEIS dated March 9, 2010 for Cottage Hill Landings in the City of Rensselaer. As an interested agency we offer the following remarks regarding the increased volumes along the Broadway corridor resulting from the anticipated developments within the area.

Currently the Average Daily Traffic (ADT) volume on Broadway is approximately 6,000 vehicles per day. The Cottage Hill Landings development, along with the UW Marx DeLaet's Landing development, will add considerable volume to the Broadway corridor, approximately 500 trips entering and 1000 exiting during AM and PM peaks respectively. Consequently, based upon the peak hour volume increase, the daily volume will rise 10% - 15%. Accordingly, those that use the Broadway corridor should expect to incur increased congestion and delays in the near future as the Broadway reconstruction project does not include capacity related improvements.

The Cottage Hill Landings Supplemental DEIS, states DeLaet's Landing is still in the SEQR process. We question this statement, as the FGEIS for DeLaet's Landing was completed July 28, 2009 and the Findings Statement was signed and approved September 1, 2009.

Related to the traffic growth, the UW Marx FGEIS incorporates the Cottage Hill volumes into background growth projections, however, the Cottage Hill Landings development does not include the DeLaet's Landing volumes, under the assumption that Cottage Hill will be completed within the next 2 years while the DeLaet's Landing will be phased over the next 10 to 15 years

While the UW Marx FGEIS conveys that development will be phased, and will depend on market demand, phase 2 (model town homes along the northern side of New Broadway) and phase 3 (marina and the residential high rise along the New Broadway) are anticipated to be complete by 2013 – just three years from now. This is important to note as the increased traffic, and the inherent additional congestion and delay, may not be as incremental as the Cottage Hill supplemental DEIS suggests.

We recognize that Broadway is an urban corridor with little room for expansion, and are also cognizant of the desire to create a walkable downtown environment where residents have mode choices. In fact, the UW Marx FGEIS trip generation data reduces the total number of peak hour trips by 5% through anticipated transit use. However, we have recently learned that CDTA has discontinued their Rensselaer Route 15 that traveled along Broadway

One of CDTA's Planners / Travel Demand Specialists confirmed this route cancellation due to poor ridership. It was conveyed that CDTA is aware of the UW Marx project and has commented on the project through the SEQR process. CDTA staff met with UW Marx representatives (September 2008) to discuss the possibility of serving the development's residents/occupants with a shuttle that was to be partially funded by the developer. Our understanding is that subsequent meetings have not occurred and the issue of transit serving the development is unresolved. We believe that this situation warrants additional consideration, as one of the underlying premises of community livability for this level of dense development is good access to transit, in addition to the "loss" of the 5% reduction in peak hour trips. We strongly recommend further discussions with CDTA and UW Marx regarding initiating a shuttle service to downtown Albany, as development and occupancy occurs, to help alleviate the traffic issue along Broadway during peak hours

On a related note, how did UW Marx determine the number of parking spaces needed for the riverfront development? Will the number of parking spaces positively or negatively affect transit usage? Is it possible to phase the construction of parking spaces as other construction is being phased? There will be less incentive to use transit or other alternative modes if parking is plentiful. We recommend the City and UW Marx collaborate with CDTC in finding the optimal number of parking spaces as well as developing some Traffic Demand Management (TDM) strategies in anticipation of the completed DeLaet's Landing and Cottage Hill developments. (CDTC has worked with local municipalities in developing TDM policies.) While CDTC does not currently have recommended parking ratios they encourage communities to move away from parking minimums to either parking maximums or the utilization of other innovative parking management techniques.

Ms. Petit  
Page 3  
June 14, 2010

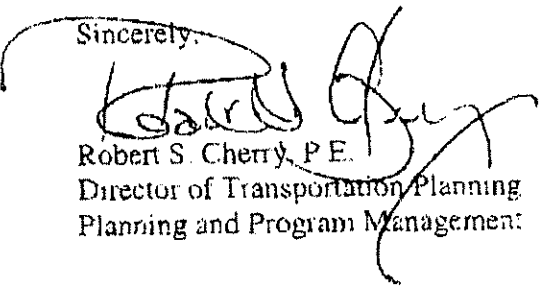
CDTC is currently wrapping up the Draft Schenectady Gateway study being developed by the IBI Group, Inc. (a Linkage Study), which addresses parking in the envisioned "Eco-District". Some of the concepts surfacing from the draft include the following:

- The amount of parking allocated in a TOD or other sustainable type development is critical for a successful outcome as too little will inhibit development and too much will impair the pedestrian environment
- Within Schenectady's Eco-District, parking locations will be identified and at these various locations will be provisions for bicycle parking, car-sharing and electric vehicle plug-ins. Addressing parking in this manner will lead to lower demand as these alternatives paired with transit will translate into lower parking requirements and accordingly cost savings for the developer.
- Schenectady's Eco-District is unique to the Capital District. Similar to "Complete Streets", Schenectady's plan calls for a comprehensive pedestrian and bicycle network, including all the necessary infrastructure as well as regional connections to paths, trails and transit systems

The City of Rensselaer may want to consider developing a public outreach effort to explain how the upcoming developments' peak hour volumes will affect the Broadway corridor and discuss the various travel options that are available to residents. In the end, *if* UW Marx, the City of Rensselaer and CDTA develop a transit service to serve this new urban development, *if* parking is limited and is phased with construction, and *if* the area residents are well-informed as to their travel options, modes other than the single occupancy vehicle may become viable alternatives thereby decreasing the level of congestion and delay along the Broadway corridor and making for an desirable downtown living experience.

If you have any questions regarding this letter, please contact Susan Olsen at (518) 388-0428.

Sincerely,



Robert S. Cherry, P.E.  
Director of Transportation Planning  
Planning and Program Management

Cc: Mark Kennedy, Traffic Safety & Mobility R1  
Carrie Ward, CDTA  
Sandra Misiewicz, CDTC  
Deborah Stacey, CDTC



June 17, 2010

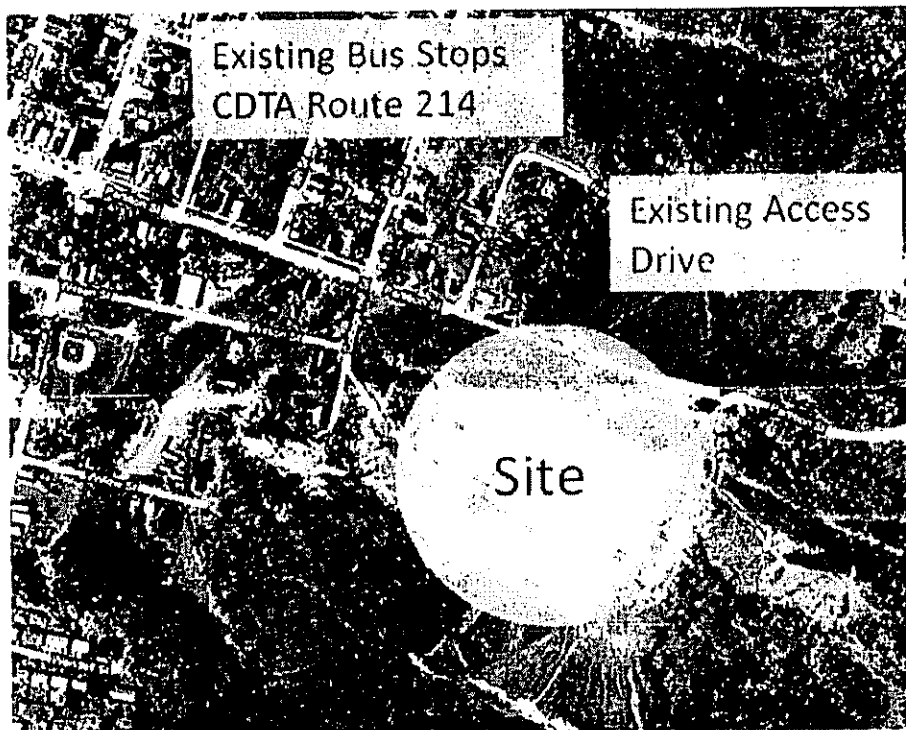
Marybeth Pettit  
Planning Director  
62 Washington Avenue  
Rensselaer, NY 12144

**Re: Supplemental EIS: Cottage Hill Landings**

Dear Ms. Pettit:

The Capital District Transportation Authority (CDTA) provides public transportation services for the Capital Region. Under the State Environmental Quality Act (SEQRA), we are an interested agency for site review and environmental clearance for the above-referenced project because it impacts our transit service. CDTA's Route #214 has its closest stop at 3<sup>rd</sup> and Partition Streets (see graphic below).

Please be advised that changes to CDTA's route system require that the number of people benefitting from the change be greater than the number that will be inconvenienced. This coupled with the steep slope on Partition Street and the constraints of the roads means it is highly unlikely CDTA will provide transit service to the proposed development.



Project plans involve construction of 173 residential rental units in 3 and 4-story structures, and an estimated 464 residents. The plan proposes 260 parking spaces, reflective of the zoning requirement for 1.5 parking spaces for every residential unit in a multi-family

Denise A. Figueroa  
Chairwoman  
Albany County

Joseph M. Spairana  
Vice Chairman  
Rensselaer County

Norman L. Miller  
Secretary  
Schenectady County

Arthur F. Young, Jr.  
Treasurer  
Albany County

Lisa A. Ballout  
Saratoga County

Mark G. Gerling  
Labor Representative

Georgeanna N. Lynch  
Saratoga County

Thomas M. Owens  
Albany County

David M. Stackrow  
Rensselaer County

Carm Basile  
Executive Director

**CAPITAL DISTRICT TRANSPORTATION AUTHORITY**  
110 Watervliet Avenue Albany, N.Y. 12206

structure. Due to the scale and density of the project, it is anticipated that it will impact the transportation system in the area, including transit

CDTA notes that the current site design provides access solely by automobile. There are no sidewalks west of Partition and Cottage Hill Street, and the site plan shows no sidewalk proposed along the site's access drive. One private access road will connect the development to Partition Street at the easterly edge of the site, by the current access point. Page 23 of the City's 2006 Comprehensive Plan says the city should "Require that new streets, whether deeded to the city or privately maintained, continue the established street grid. Cul-de-sac and dead-end streets should be discouraged." As the Short Term Guide of the City's Comprehensive Plan states, "The grid street pattern provides excellent access and connectivity, not only for vehicles but also pedestrians and bicyclists." Instead, the proposed design means that a typical resident will need to walk one half mile to the nearest bus stop at the corner of Partition and 3<sup>rd</sup> Streets. A former iteration of the project included an additional vehicular access to the site at Cottage Hill Street. The current plan includes vehicular access from Cottage Hill Street to a stormwater retention pond on the west/northwest side of the site, but does not connect this access to the residential area

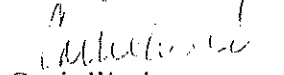
CDTA strongly encourages the City of Rensselaer to require that the developer:

- provide vehicular access to the proposed development from more than one access point, or at least a pedestrian and bicycle connection north-westerly from the residential buildings to Cottage Hill Street to allow residents to access the bus stop in about 0.25 mile
- Install bicycle racks in accessible locations in all of the residential structures
- Provide a continuous sidewalk connection along Partition Street and the site's access drive(s), as well as stripe crosswalks across Partition Street in locations where the sidewalk crosses the street

Please include CDTA in future reviews associated with this project. We will focus on the project's impact on transit and parking, as well as pedestrian and bicycle accommodations.

Thank you for the opportunity to comment on the proposed development

Sincerely,



Carrie Ward  
Planner/IDM Specialist

cc: Kristina Younger, CDTA  
Anne Benware, CDTC  
Robert Cherry, NYSDOT Region I

Mary Beth Pettit  
City of Rensselaer Planning & Development Agency  
62 Washington Street  
Rensselaer, NY 12144

Cottage Hill Landings Development

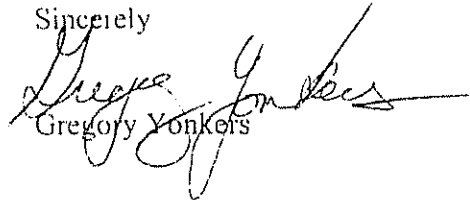
Dear Mrs. Pettit,

This letter serves as my written comments and concerns pertaining to the proposed Cottage Hill Landings Residential Development as I expressed at the public hearing at City Hall on June 14, 2010. I live at 119 Harrison Avenue Rensselaer, NY and have lived in the vicinity of the proposed project all of my life. Most of the comments are derived from information in the Supplemental Draft Environmental Impact Statement prepared by The Chazen Companies.

1. The City of Rensselaer population consists of over 50% of rental property, as a tax paying resident I believe we do not need any additional rental property. I believe the City should seek more owner occupied residential development. My reasoning for the aforementioned is people who purchase their own home usually have something at stake and take pride in their property. I have witnessed over and over again (in Rensselaer and other cities) neighborhoods decline in value and are not very well kept up when a transition from owner occupied to rental occurs.
2. I am with the understanding the proposed development will be partially funded with HUD funds? If that is true this development will most likely turn into affordable housing units. Once again the city has its fair share of this and does not need any more.
3. From Section 3.1, Soil and Geology (page 19) of the SDEIS it states "The property owner will be required to 1) address surface leachate seepage 2) perform engineering inspection documenting site conditions 3) conduct an explosive gas survey 4) delineate the limit of waste with respect to the planned development. 5) complete a survey of private domestic wells." Also a landfill remediation plan is required. The report states, "The owner has completed many of the required items." My question is how many have been completed? I believe ALL items should be complete before any approvals are considered.
4. Also in this section it states "Current issues relative to the landfill and development on this site include surface leachate seepage, potential explosive gas and adequacy of landfill cap thickness". Have all these issues been addressed? Most people would agree the landfill should be adequately capped and seepage as well as potential explosive gas issues be addressed. Again, all these issues should be complete before any approvals are considered.

5. Surface leachate seepage should be addressed. A letter from R.C.S.D. #1 Administrative Director, Gerard Moscinski states the Sewer District "will not provide the acceptance of such discharge". Why would the City and D.E.C. permit the owner to discharge the seepage into the Quackenderry Creek under a SPDES permit? What is the analytical make up of the seepage? Also stated in this section, "Development of the project site will not increase the existing rate or quantity of leachate currently generated from the landfill". How do we know that? On site treatment of the discharge should be an automatic viable alternative.
6. Under section 3.5, Transportation, I do not agree the approximate increase in traffic will be 10 vehicles in peak hours. With the potential of 173 units to be occupied the increase in traffic has to be significant?
7. Under section 2.0 Fiscal Resources, Table 2.2.1 Summary of Net Annual Impacts, it shows an increase to the water fund of \$57,028.00. I do not agree with this figure. Did the analysis take into account the Water distribution unaccounted for water percentage? From the total gallons purchased from Troy the city loses 40% to 50% of its product. Was that considered in the analysis?
8. I and many other residents in the Hollow area have concerns about the storm water runoff that the proposed development will create. This section of the city has documented problems with storm water management (flooding) due to the development which has taken place over the past two decades in the areas East and North of the City line. We do not need more water runoff into the Quackenderry Creek.  
In closing I do not believe this project really benefits the City, the citizens and taxpayers of Rensselaer.

Sincerely,

  
Gregory Vonkers

cc. Planning Board Members  
Common Council Members

**Sent:** Wednesday, July 14, 2010 2:36 PM  
**To:** Stephen B. Le Fevre; Bradley D. Grant  
**Cc:** Donald H. Fletcher  
**Subject:** Cottage Hill SDEIS Review  
**Importance:** High

Steve & Brad,

Upon request, I have reviewed Chapter 3, Section 3.1 of the Cottage Hill SDEIS document(s) with particular focus on responses pertaining to issues associated with the former Rensselaer landfill that exists on the subject parcel. My findings are as follows:

**Mapping of Former Rensselaer Landfill** – Section 3.1.2 (page 19) provides a brief narrative that outlines the former Rensselaer Landfill on the site, however there is no description of the actual location of the landfill in this section of the SDEIS. There is also no cross reference to any figures or maps of the existing landfill provided in this section. Slope maps provided in Figures 3.1-2; 3.1-3 and 3.1-4 do show a boundary line believed to be the limits of the former landfill, but this boundary line is not labeled as such. Additionally, map "SP 1 – Existing Conditions Plan" provided in the SDEIS does show the boundary of the closed landfill. However according to notes on this map, this boundary was determined/delineated by the applicant's engineer and is not verified or supported by any NYS DEC documentation or other documentation.

Recommend that the applicant provide more substantial documentation and/or mapping verifying the exact location of the former landfill boundary.

**Description of Former Rensselaer landfill** – Section 3.1.2 (page 19) provides a brief narrative that outlines the existence of the former Rensselaer Landfill on the site. However this section does not provide any description of the landfill itself, its use history or past remediation activities associated with the existing landfill. No landfill closure report was included in the SDEIS.

Recommend that the applicant provide a more detailed description of the former landfill, its contents, operations, and eventual closure activities.

**Landfill Remediation Plan** – Section 3.1.2 (page 19) notes that guidelines for development on and near the landfill site will be developed by the applicant in conjunction with NYS DEC and in accordance with a "Landfill Remediation Plan Report" as per requirements from NYS DEC. According to information provided by the applicant, this landfill remediation report is supposed to provide details on how the applicant intends to remediate surface leachate seepage, and explosive gas migration from the landfill to adjacent locales. However no "Landfill Remediation Plan Report" was prepared by the applicant or included in the SDEIS.

Recommend that the "Landfill Remediation Plan Report" be made a part of the SDEIS as an appendix and that issues noted in that plan to address leachate seepage and explosive gas migration be included and fully



described in the text of the SDEIS in Section 3.1.2. In addition, all correspondence to/from the applicant and NYS DEC regarding the landfill, the "Landfill Remediation Plan", and the landfill cover/cap should be included in the SDEIS as an appendix. A copy of the NYS DEC's 1986 study pertaining to ongoing monitoring of the landfill as noted on page 21 of the SDEIS should be included in the SDEIS as an appendix.

Based on my review of this section of the SDEIS, it would be my recommendation that the above noted information be provided by the applicant in the SDEIS for further review prior to deeming the SDEIS document complete.

Regards, Chuck

**Chuck Voss, AICP**

Senior Land Use Planner

**Barton & Loguidice, P.C.**

Engineers, Environmental Scientists, Planners, Landscape Architects

2 Corporate Plaza • 264 Washington Avenue Extension • Albany, NY 12203 • Phone: (518) 218-1801

[www.bartonandloguidice.com](http://www.bartonandloguidice.com)



Please consider the environment before printing this e-mail



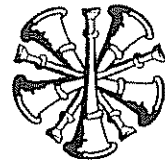
**PHILIP J. FOUST**  
CHIEF

# CITY OF RENSSELAER

OFFICE OF

## FIRE DEPARTMENT

CITY HALL, 62 WASHINGTON STREET  
RENSSELAER, NEW YORK 12144  
(518) 465-3259  
Fax: (518) 445-2621



**PHILIP SMITH**  
ASSISTANT FIRE CHIEF

Christine VanVorst  
Rensselaer Planning Commission  
62 Washington St.  
Rensselaer, NY 12144

August 5, 2010

Chris, in reference to our conversation concerning the Cottage Hill Project, I have a few concerns on the impact of the Rensselaer Fire Department.

- 1) The amount of the units in the project and the numbered of Residents would increase our call volume for both Fire and EMS.
- 2) The close proximity and limited access to some of the buildings and the Light Weight Construction, concerns the Fire Department strategies for suppression and the safety of the residents and firefighters.
- 3) Are the units going to have sprinklers and will the water supply be sufficient.
- 4) Will all units have carbon dioxide detectors which are required under the new laws.
- 5) We need to know what type of heating units will have, fire stops to the roof to reduce fire spread.
- 6) In looking over the site plan I was unable to clearly define hydrant locations and size of the water mains.

With these concerns about the project, I believe the Rensselaer Fire Department will be greatly taxed due to this project. If the project is given the approval by the Planning Commission I would ask that the Project Developers make added Equipment and Resources available to our Department to adequately fight fires.

Sincerely,

  
Philip B. Smith

Asst Chief, Administration and Training  
Rensselaer Fire Department  
2 St. Francis Place  
Rensselaer NY 12144



Tel: (518) 462-7451  
Fax: (518) 434-0539

# CITY OF RENSSELAER

## OFFICE OF CHIEF OF POLICE

201 BROADWAY  
RENSSELAER, NEW YORK 12144

FREDERICK M. FUSCO  
*Chief of Police*

JAMES R. FRANKOSKI  
*Deputy Chief*

TO: RENSSELAER PLANNING COMMISSION  
FROM: FREDERICK M. FUSCO, CHIEF OF POLICE  
DATE: AUGUST 9, 2010  
RE: COTTAGE HILL DEVELOPMENT

THIS MEMO IS IN RESPONSE TO THE PROPOSED 173 UNIT APARTMENT COMPLEX PLANNED FOR A 27 ACRE SIGHT LOCATED AT 96 PARTITION STREET HERE IN THE CITY. A PROPOSED DEVELOPMENT OF THIS TYPE WOULD REQUIRE THE ASSISTANCE OF THE RENSSELAER POLICE DEPARTMENT.

WE ARE A PROACTIVE ENFORCEMENT AGENCY WHO PRIDES ITSELF IN GIVING THE HIGHEST LEVEL OF SERVICE TO ALL ENTITIES IN OUR COMMUNITY. THE CITY HAS COME TO APPRECIATE AND EXPECT THIS LEVEL OF COMMITMENT FROM ITS POLICE DEPARTMENT. IN ORDER TO CONTINUE THIS TYPE OF SERVICE, IT IS MY OPINION THAT A FACILITY OF THIS NATURE WOULD IN FACT CREATE THE NEED TO INCREASE OUR STAFFING LEVELS.

THANK YOU FOR ALLOWING MY INPUT ON BEHALF OF THE POLICE DEPARTMENT AND PUBLIC SAFETY, SHOULD YOU HAVE ANY QUESTIONS PLEASE FEEL FREE TO CONTACT ME.

FREDERICK M. FUSCO, CHIEF OF POLICE

CC: FILE

FMF:mc

August 9, 2010

Mr. Charles Moore, Acting Chair  
City of Rensselaer Planning Commission  
City of Rensselaer  
62 Washington Street  
Rensselaer, New York 12054

Re: Initial Review of Draft Final Environmental Impact Statement  
Cottage Hill Landings Residential Development

File: 1057.002

Dear Mr. Moore:

We have completed our initial review of the Draft Final Environmental Impact Statement (FEIS) dated July 29, 2010 prepared by The Chazen Companies (TCC) for the proposed Cottage Hill Landings Residential Development. In accordance with the requirements of 6 NYCRR Part 617.9(b)(8), a FEIS must consist of:

- The Draft Environmental Impact Statement (DEIS);
- Any necessary corrections or revisions to the DEIS (i.e. a Supplemental DEIS);
- Copies or a summary of all substantive comments received, indicating their source; and
- The lead agency's responses to substantive comments.

Although TCC prepared the aforementioned Draft FEIS on behalf of the project sponsor (Forum Industries, Inc.), the City of Rensselaer Planning Commission, as SEQR lead agency for this proposed project, is ultimately responsible for the adequacy and accuracy of the Final EIS. In particular, it is the lead agency's responsibility to review all responses prepared by TCC to ensure that the analyses and conclusions accurately represent the lead agency's assessment of the proposed project. To that end, Barton & Loguidice, P.C. (B&L) has reviewed TCC's response to the initial set of comments that were received following the City Planning Commission's acceptance of the DEIS on October 14, 2008, as well as TCC's response to the second set of comments that were received following the City Planning Commission's acceptance of the Supplemental DEIS on April 12, 2010. Please note that the initial set of comments regarding the DEIS, including TCC's subsequent responses to those comments, are presented in Appendix H of the Supplemental DEIS. The comments pertaining to the review of the Supplemental DEIS, and TCC's response to those comments, are presented in the Draft FEIS dated July 29, 2010.

Based on our review of the responses provided by TCC for all of the received comments, it is our opinion that certain responses submitted by TCC for specific topic areas were found by B&L to be 1) inconsistent when we compared Appendix H of the Supplemental DEIS to the Draft FEIS; or 2) the responses provided by TCC did not accurately reflect the opinions of the City Planning Commission with regards to the proposed project.



Specifically, and as elaborated upon further below, the topic areas whose responses provided by TCC are currently unacceptable and therefore must be revised are as follows:

- 1) Capture, Treatment, and Disposal of Landfill Leachate Seepage
- 2) Monitoring and Remediation of Potentially Explosive Landfill Gas
- 3) Non-Permitted use of Apartment Rental Units at Project Site per City Zoning Law
- 4) Fiscal Impact Analysis

#### Capture, Treatment, and Disposal of Landfill Leachate Seepage

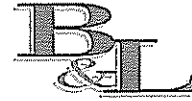
There is conflicting information provided by TCC in Appendix H of the Supplemental DEIS and the Draft FEIS with regards to the manner by which the landfill leachate will be collected and disposed of. For instance, TCC's response to Comment 3.2-15 (refer to Appendix H) indicates that a seepage leachate collection pit will be constructed to capture the leachate, and that the leachate will be conveyed to the sanitary sewer system. However, TCC's response to Comment 3.1-7, as presented on pages 7 and 8 of the Draft FEIS, states that the applicant is pursuing two options for the collection and disposal of the landfill leachate – disposal to the sanitary sewer system or discharge to surface waters in accordance with the provisions of a NYSDEC-approved SPDES permit. However, it is our understanding that the Rensselaer County Sewer District (RCSD) will not allow the leachate to be discharged into the sanitary sewer system. As such, it appears that the only viable option for leachate disposal is for the applicant to apply for a SPDES permit from the NYSDEC.

Given the above, it is our recommendation that a uniform response be provided to each and every comment (i.e. both sets of comments) that pertains to the capture, treatment, and disposal of landfill leachate. Furthermore, the response should specifically reference the section and page number of the DEIS and/or Supplemental DEIS that provides additional information on this topic.

#### Monitoring and Remediation of Potentially Explosive Landfill Gas

Similar to the above, the responses provided by TCC with regards to the proposed installation of an active sub-slab depressurization system in each building and the need for an extended gas monitoring plan are inconsistent. Specifically, in their response to Comment 2-2 in Appendix H of the Supplemental DEIS, TCC states that "the project sponsor is contemplating the use of active sub-slab depressurization systems to address potential soil gas migration." In this same response, TCC further states that the use of active sub-slab depressurization systems "may mitigate the need for extended gas monitoring." However, in response to Comment 3.1-18 contained in Appendix H, TCC states that "an active sub-slab depressurization system is proposed for each building as a conservation precaution."

Given the above, it is our recommendation that a uniform response be provided to each and every comment (i.e. both sets of comments) that pertains to the monitoring and remediation of potentially explosive landfill gas. Furthermore, the response should specifically reference the



section and page No of the DEIS and/or Supplemental DEIS that provides additional information on this topic.

#### Non-Permitted Use of Apartment Units at Project Site per City Zoning Law

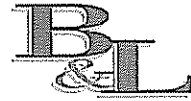
The proposed FEIS states (at page 5), in response to a public comment questioning the shift in the project from owner-occupied to rental units, that the “existing zoning is R-3 which allows for multi-family dwellings.” As the original DEIS noted, however, the rezoning of the property in 2005 included a maximum allowable density of 180 owner-occupied units (DEIS, page 2-2, emphasis added). In addition, at the July 19, 2010, meeting of the Planning Commission, a communication from the Mayor and Common Council was read into the record indicating that the Council continues to view the limitation of owner-occupied units as an integral part of its 2005 rezoning of the subject property. The FEIS should be revised to discuss how the project satisfies this requirement.

#### Fiscal Impact Analysis

Several comments that appear in Appendix H of the Supplemental DEIS and the Draft FEIS have to do with the accuracy of the projection made by Camoin Associates that the revised development plan will result in 73 new school age children. Camoin Associates estimates that of the 73 new students, four (4) of these new students will attend private school. Therefore, as a result of this project, 69 new school age children will be attending City of Rensselaer schools. Taking into account the new school district costs, estimated school property taxes, and new state school aid associated with the influx of 69 new students into the City of Rensselaer School District, Camoin Associates estimates the positive net fiscal impact to the School District's finances is \$13,922.

Although Camoin Associates assumed in their fiscal impact analysis that six percent (6%) of the new students will attend private schools, there is no mention made in their analysis as to the percentage or number of the 73 new students that may be classified as “special education” students, and will therefore require the expenditure of additional school district funds for their education. As such, the per student variable cost of \$13,776 per student should be revised to account for the likelihood that a certain number of the 73 new students will be special education students and therefore require a higher than normal expenditure of school district funds.

In addition to the above, several of the comments that appear in Appendix H of the Supplemental DEIS and the Draft FEIS point out that the methodology used by Camoin Associates in estimating the number of new school age children does not take into account the likelihood that a certain number of students that relocate to the apartment complex will already be attending City of Rensselaer schools. This very realistic scenario obviously has an impact on Camoin's calculation of the positive net fiscal impact to the School District finances. However, as noted in Response 3.9.2-2 of the Draft FEIS, TCC states that



“Again this is the accepted practice and provides a ‘worst case’ impact on the school district. The typical concern is an understatement of the potential impact. A lesser impact will be correspondingly positive with respect to fiscal conditions.”

There is no apparent backup information provided by Camoin Associates or TCC to support the above statement that a lower number of new school age children will, in fact, have a greater net fiscal impact to the school district. Therefore, it is our opinion that all of the responses provided by TCC with regards to the two (2) above noted issues need to be revised such that several different scenarios consisting of a varying (i.e. lesser) number of new school age children and/or a specified number of special education students are presented (along with the supporting calculations) to provide a basis for this statement.

#### Preparation and Issuance of a Revised FEIS

As discussed herein, it is our opinion that certain responses contained in Appendix H of the Supplemental DEIS and the Draft FEIS need to be revised in order to address the above noted concerns. Should the Planning Commission concur, we recommend that the revised Appendix H of the Supplemental DEIS be incorporated into the revised FEIS as a new appendix. By doing so, the final version of the FEIS will be more readily accessible to involved agencies, interested parties, and the public.

Should you have any questions regarding the above, or wish to discuss this matter in greater detail, please feel free to contact me at (518) 218-1801.

Very truly yours,

BARTON & LOGUIDICE, P.C.

A handwritten signature in black ink, reading 'Stephen B. Le Fevre'. The signature is written in a cursive, flowing style.

Stephen B. Le Fevre, P.G., C.P.G.  
Managing Hydrogeologist

SBL/ojf

cc: Donald Fletcher, B&L

Appendix C:  
Response to Comments on DEIS Dated October 14,  
2008



## **APPENDIX C1: RESPONSE TO COMMENTS ON OCTOBER 14, 2008 DEIS**

This section addresses comments received during the DEIS review period which was held from October 14, 2008 to November 28, 2008. Where applicable, comments are summarized or grouped into subject categories and summarized to allow a single response to address similar comments or questions raised more than once.

Comments were received by the City of Rensselaer in written form and orally at the DEIS Public Hearing held on November 10, 2008.

The response to comments on the October 14, 2008 DEIS were presented as Appendix H of the Supplemental Draft EIS accepted April 12, 2010. Responses as presented here have been modified to address tense, current project status, and clarifications intended to assist the reader.

Comments made during the public hearing are referenced by stating the individual's name and the page number of the transcript in parentheses at the end of the comment. For example, a comment made by Mr. John Doe at the Public Hearing is referenced as "[*John Doe, Public Hearing Transcript Page XX*]."

The following individuals commented on the DEIS at the Public Hearing:

- DANIEL DWYER, Mayor, City of Rensselaer
- WILLIAM SHELDON, Resident, Wilson Street, City of Rensselaer
- DEBBIE CATUNI, Resident, 9 Partition Street, City of Rensselaer
- JOHN POOLE, Resident, 5th Street, City of Rensselaer
- EDWARD LADUKE, Resident, 12 Partition Street, City of Rensselaer
- BILL LITHGOW, 3rd Ward Alderman, City of Rensselaer
- DANIEL COTUGNO, Resident, City of Rensselaer
- DAVID GARDNER, Resident, 6th Street, City of Rensselaer
- KIM CONGER, 4th Ward Alderperson, City of Rensselaer
- SARAH CRAWFORD, Resident, Cottage Hill Street, City of Rensselaer
- GORDON REYNOLDS, Superintendent, Rensselaer City School District

■ ANN MALATUCK, Resident, City of Rensselaer Written Comments

Comments received in writing are referenced by a unique comment number (see list below). In Appendix G.2, each comment letter is identified by a number in the upper right corner of the front page. The following individuals commented in writing on the DEIS:

Comment Number

1. City of Rensselaer, written comments dated December 4, 2008.
2. Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.
3. Ms. Charlotte M. Bethoney, NYS Department of Health, written comment letter dated October 27, 2008.
4. Mr. Robert S. Cherry, NYS Department of Transportation, written comment letter dated November 25, 2008.
5. Ms. Nancy M. Baker, NYS Department of Environmental Conservation, written comment letter dated November 17, 2008.

Below are responses to comments raised by the public and involved and interested agencies during their review of the DEIS. In general, the order and categories of topics follow the outline of the DEIS.

## **General Comments**

The following are general comments made by Stephen LeFevre, City of Rensselaer Engineering Consultant, Barton & Loguidice, PC; letter dated December 4, 2008.

A number of comments focus on required revisions to the site plan drawings that will be required to satisfy the City's Site Plan Review Process; these revisions are not requisite to address the SEQR review. Where this is the case the response: "This issue will be addressed during site plan review" is provided.

### **COMMENT G-1**

Section 9.5 is missing Appendix I and Volume II Appendices.

#### **Response G-1**

A full copy of the Stormwater Pollution Prevention Plan (Section 9.5), including appendices, was provided as Appendix C of the SDEIS.

### **COMMENT G-2**

Verify commitment for provision of natural gas/electric services. Their proposed utility routing will have to consider avoidance of the landfill and its cap.

#### **Response G-2**

The City of Rensselaer is within National Grid's service territory for natural gas and electric utilities.<sup>1</sup> National Grid was contacted to identify any issues/concerns regarding providing service to the project site; no issues were identified during these preliminary conversations. Detailed plans for provision of gas and electric service will be evaluated as the project progresses through site plan review.

---

<sup>1</sup> According to the National Grid Website, accessed on October 19, 2009:  
[https://www.nationalgridus.com/niagaramohawk/construction/serviceterr\\_map\\_a.asp?county=Rensselaer](https://www.nationalgridus.com/niagaramohawk/construction/serviceterr_map_a.asp?county=Rensselaer)

The nearest natural gas line located along Cottage Hill Street is a low-pressure gas line with 4 inch cast steel pipe.<sup>2</sup> Electric connections available in the vicinity of the project site will be evaluated during a site audit upon request for service.<sup>3</sup>

**COMMENT G-3**

Submit building elevations.

**Response G-3**

Typical building elevations for the proposed 3-story buildings are provided in Figures 3.8-1 through 3.8-3 of the SDEIS. Building elevations will be refined during the site plan review process.

**COMMENT G-4**

Eventually, a photometric plan will be required.

**Response G-4**

Comment noted. A photometric plan will be provided during the site plan review process as the design progresses.

**COMMENT G-5**

Driveways need to be profiled.

**Response G-5**

Road and driveway profiles will be provided during the site plan review process as the design progresses.

**COMMENT G-6**

All pipe crossings need to be identified on the profile sheets (i.e. locations and inverts), as some appear to be in conflict with each other.

**Response G-6**

Pipe crossing information will be provided during the site plan review process as the design progresses.

---

<sup>2</sup> According to conversation with Greg Curvey of National Grid, October 20, 2009.

<sup>3</sup> According to conversation with Ellie O'Connel of National Grid, October 23, 2009.

**COMMENT G-7**

Water, storm, and sanitary vertical and horizontal separation appear to be less than required by 10-States Standards.

**Response G-7**

The water and sewer layout on the revised plan meets the required horizontal separation distances. Invert information will be provided during the site plan review process the design progresses. Vertical separation requirements will be met.

**COMMENT G-8**

Copy the City of Rensselaer and Barton & Loguidice, P.C. on ACOE correspondence.

**Response G-8**

Coordination with the ACOE has not been initiated. The City will be copied on all ACOE correspondence during the site plan review and permitting process.

**COMMENT G-9**

Ensure that access to the gated driveways is available for emergency responders.

**Response G-9**

The revised plan eliminates the use of gated driveways.

**COMMENT G-10**

All streams and creeks are tributary to the Quackenderry Creek (below the flood protection structure). Please use this to describe the "Unnamed Stream." [City of Rensselaer, written comments dated December 4, 2008.]

**Response G-10**

All references to the "unnamed stream" have been revised to identify the stream as the Quackenderry Creek.

**COMMENT G-11**

Stormwater – Can DEIS address how the project could mitigate current stormwater problems that citizens were so vocal about at the public hearing?

**Response G-11**

The revised development plan will create 4.3 acres of impervious area on the project site, which is 4.2 acres less than the original development plan proposed. As described in the Master SWPPP (included as Appendix C), the proposed stormwater management wet pond and dry swale will reduce peak runoff to rates below existing conditions. Existing rates are reduced by the proposed wet pond, which is oversized to provide detention of runoff from the 1-year storm beyond the required 24 hours.

Additional details regarding design measures to address existing off-site stormwater conditions are included in Response 3.3-20.

## **1.0 Executive summary**

### **COMMENT 1-1**

Page 1-3 – Soils and Geology Impacts: Are standard BMPs inadequate considering the large extent of steep slopes? Thorough inspection to ensure measures don't fail should be mentioned in more detail in appendices. [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 1-1**

Erosion control blankets are identified on the revised site development plan in steep slope areas. When used in conjunction with temporary or permanent seed, erosion control blankets provide suitable protection against erosion of steep slopes.

### **COMMENT 1-2**

Page 1-4 – Utility Impacts: The septic sewer discussion does not address CSO compliance and contribution to volumes. [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 1-2**

According to the City of Rensselaer Map of Existing Sewerage System, and discussions with DPW staff, sewage from the project will not be conveyed to a CSO regulator. Therefore, the compliance with CSO is not at issue. Refer to the report entitled "Engineer's Report for Wastewater Management" for more information.

### **COMMENT 1-3**

Section 1-4: It is stated that "no impacts to police or fire are anticipated", yet several impacts to the Rensselaer Fire Department have been noted by the chief. [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 1-3**

The following table contains the Fire Chief's concerns as identified in the letter dated September 2, 2008. A copy of the letter is provided in Appendix 9.2 of the DEIS.

**Table 8: Fire Department Concerns and Project Mitigation**

<b>Comment</b>	<b>Mitigation</b>
In planning this project, consider the access to all buildings with fire apparatus, including excess snowfall	The site layout enables fire trucks to park within 100 feet of each building and fire hoses to access 360 degrees around each building.  In the winter, snow plowed from internal roadways and parking areas will be piled in designated locations away from the residential buildings as not to block emergency access routes.
It's imperative that proper water supply source(s) be installed. Such as hydrants, sprinkler systems, and stand pipes as needed.	Fire hydrants are included in the site design in close proximity to each building. Sprinkler systems and stand pipes will be designed for all buildings in accordance with National Fire Protection Association (NFPA) standards.
One of the issues we face in the fire service is elevators not large enough for emergency use. We ask that you take in consideration elevators that will fit EMS stretchers. Stretchers are 78 inches in length and 24 inches wide.	According to the revised plan, no elevators are proposed at this time as the tallest structure is four (4) stories tall. If an elevator is incorporated into the site plan it is anticipated that it will be large enough to accommodate a stretcher.

**COMMENT 1-4**

Sect. 1-6: Please address the reason for the change from the July 26, 2006 layout to the current layout. [City of Rensselaer, written comments dated December 4, 2008.]

**Response 1-4**

The project has been in development for several years and has evolved in response to dialogue with the various City agencies. As noted in the project introduction, the revised plan incorporates design changes to further mitigate the environmental impacts in response to public comments. Further, the change from sale of townhomes/condominiums to a rental based project is in response to change in housing demands.

**COMMENT 1-5**

Page 1-5 – Alternatives Considered: A lower density option should be considered. [City of Rensselaer, written comments dated December 4, 2008.]



#### **Response 1-5**

Examination of a lower density option was not included in the Final Scoping Document adopted by the Planning Board. The revised site development plans were provided as Appendix A of the SDEIS and reflects the Town's comments/concerns identified during the project work session conducted on December 1, 2008. As a result, the eight-story building has been removed, the buildings originally proposed along Partition Street were relocated to the southern portion of the property, and the total number of units has been reduced from 180 to 173.

#### **COMMENT 1-6**

Page 1-4: Police/Fire/Safety - Regarding costs/revenues, this section indicates that the project will generate net revenues of \$39,100 to the City annually. Does the method of estimating costs to the City on 3.9-6 applicable, or does it overstate annual costs to the City and understate annual revenue after costs? [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 1-6**

The analysis included in the DEIS followed generally accepted methods to evaluate fiscal impacts. The revisions to the project necessitated an update to the fiscal impacts and a Fiscal Impact Study was commissioned. The results of the analysis are presented in Section 3.9 of the SDEIS and the completed study is included as Appendix G of the SDEIS.

#### **COMMENT 1-7**

Page 1-4 – Utilities: Can it be verified that no improvements are needed to existing sewers? They are currently backing up on Washington Ave, which has anecdotally been attributed to added development. [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 1-7**

The Engineer's Report for Wastewater Management provided in Appendix E details the project's wastewater generation characteristics and examines any necessary infrastructure improvements. The existing wastewater system has four primary components that will convey water from the project site; a 12 inch sewer line, a 15 inch sewer line, the Forbes Avenue Pump Station, and the Rensselaer County Wastewater Treatment Plan (WWTP). The 12 inch sewer has existing capacity of 511.7 gpm and the existing 15 inch sewer line has a reserve capacity of 578.5 gpm. The existing Forbes Road Pump Station has a reserve capacity to pump 8 million gallons per day (MGD) and the Rensselaer County WWTP has reserve capacity to accept 8 to 10 MGD. Therefore,

the existing sewer system has the capacity to convey the additional sewage estimated to be generated by the development.

Table 9 below provides a comparison of the wastewater generation rates between the original project and the revised project.

**Table 9: Anticipated Wastewater Loading**

<b>Wastewater Generation</b>	<b>Original Project</b>	<b>Revised Project</b>
Estimated Average Daily Flow	44,400 gpd	49,456gpd
Maximum Daily Flow	86,880 gpd	98,912 gpd
Peak Hourly Flow	123.3 gpm	125 gpm

The revised project has a negligible increase in wastewater generation rates.

#### **COMMENT 1-8**

Page 1-4 - Visual Resources: Explain further how the eight-story building is "compatible with the surrounding city-scape". [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 1-8**

The Visual Analysis provided in the DEIS for the original project included four viewpoint receptors. The most visually prominent feature on the site for each receptor was the eight-story structure, which had a roof elevation of 218.5 feet, approximately 70 feet above the originally proposed grade of 146 feet. The tallest structure on the revised site development plan is four stories tall and approximately 50 feet in height.<sup>4</sup> This four-story structure is located in approximately the same part of the site as the eight-story structure on the original site plan. However, according to the revised grading plan, this portion of the site will be graded to 132 feet. Therefore, the roof of the tallest structure on the revised site development plan has a proposed elevation of 183 feet, which is 35.5 feet below the maximum roof elevation of the eight-story building proposed under the original project.

The second most visually prominent aspect of the original project was the condominium units located adjacent to Partition Street. The revised project does not entail any development proposed along Partition Street, thus completely mitigating this impact.

---

<sup>4</sup> Assuming on average 10 feet per story with an added 10 feet from the top story to the roof

Anticipated visual impacts from each of the viewpoints under the revised project are as follows:

Viewpoint 1 - Proposed view from the Broadway Viaduct Bridge: The four story buildings will be visible from this viewpoint, approximately the same height as the existing trees along the ridgeline. These four-story buildings will have a similar visual impact as the 2-3 story buildings in the foreground.

Viewpoint 2 – Proposed View from Dunn Memorial Bridge: From this viewpoint, the four story buildings will be visible, however existing vegetation will shield the structures from full view. Other existing three and four story buildings, similar in height and size to the proposed buildings, are currently scattered along the hillside throughout this view. As such, the proposed development will not create a significant visual impact from this viewpoint.

Viewpoint 3 – Proposed View from Partition and Third Streets: The proposed buildings will be well-below the tree line and it is anticipated that the structures will be moderately visible through the existing vegetation during leaf-off conditions. Existing views looking up Partition Street from this intersection will not be impacted as the only development proposed is located in the southern portion of the project site and not along Partition Street.

Viewpoint 4 – Proposed View from Lawrence and Wendell Streets: From this location, the proposed buildings will appear below the tree line in the background, and mostly screened by existing vegetation in the foreground. Therefore, the buildings will only be moderately visible from this viewpoint during leaf-off conditions and it is anticipated that the buildings will be almost completely screened from view by existing vegetation during leaf-on conditions.

## **2.0 Description of the Proposed Action**

### **COMMENT 2-1**

Section 2-4: A DEC letter from January 2004 requires extended gas monitoring both inside and outside of the structures. [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 2-1**

The January 29, 2004 correspondence outlines a series of guidelines that will be required by the NYSDEC for redevelopment of the site. Per the correspondence, the property owner will be required to: 1) address surface leachate seepage, 2) perform an engineering inspection documenting site conditions, 3) conduct an explosive gas survey, 4) delineate the limits of waste with respect to the planned development, and 5) complete a survey of private domestic wells. The owner has complete many of the required items. The letter continues to state that the information be presented in a report that includes a landfill remediation plan. An extended gas monitoring plan will be detailed in the landfill remediation plan.

Based on comments by the NYSDOH the project sponsor i proposes the use of active sub-slab depressurization systems to address potential soil gas migration. The sub slab systems are noted on the revised development plans and may mitigate the need for extended gas monitoring.

The landfill remediation plan will be subject to the review of the NYSDEC and the project sponsor will defer to the NYSDEC regarding the scope of any additional investigations or remediation actions.

### **COMMENT 2-2**

Section 2-4: It is stated that the "landfill will be owned by current owner, but maintained by HOA." Define maintain. [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 2-2**

A HOA is no longer a component of the proposed project as all units will be renter-occupied. The property owner will be responsible for re-grading and future maintenance of the landfill cap, as needed.

### COMMENT 2-3

Page 2-4 – Explosive Gases: Per the NYSDOH, passive measures [are] not sufficient. [City of Rensselaer, written comments dated December 4, 2008.]

#### Response 2-3

The landfill remediation plan will outline additional measures to address soil gas migration to the extent they are required. Active sub-slab depressurization systems are proposed for each building, as noted on the revised site development plans (see Appendix A). See also Response 2-1.

### COMMENT 2-4

The explosive gas survey conducted by TCC on January 11 2007 (the results of which are presented in Section 9.11 of the DEIS) did not investigate the area to the south of the project site as indicated would be done in TCC's correspondence to Mr. Michael Cristo Jr. dated September 29, 2006. Specifically, TCC states in their September 29, 2006 letter that:

*"TCC will also conduct soil gas sampling in the general area south of the site where buildings may be placed during a forthcoming site development project. Soil gas will be sampled at the proposed depth of the deepest foundation footing at all of these locations to determine if there is any evidence of explosive gas at these proposed development locations."*

The Explosive Gas Survey report prepared by TCC concludes that "the southern boundary of the landfill had the most variability in the data collected around the landfill perimeter", and for this reason we feel that TCC should be required to perform a supplemental explosive gas survey as described above. [Stephen LeFevre, City of Rensselaer Engineering Consultant, Barton & Loguidice, PC; letter dated December 4, 2008.]

#### Response 2-4

As presented in the Explosive Gas Survey Report dated December 19, 2007 a series of temporary monitoring points were established at 100-foot intervals around the perimeter of the landfill. The use of the term variability was meant to characterize variation in the detection of methane gases levels during the completion of the monitoring program. Ultimately, the monitoring locations were re-located until such time methane was not detected (or detected at levels <10% LEL).

As indicated in the referenced report, at those location where methane was initially detected (as expressed in lower explosive limit by percent) additional monitoring points were established. At gas monitoring points (GMP) 1, 3, 6, and 11 additional gas

sampling was completed at locations further from the landfill limit. GMP-1B was completed 100 feet south of GMP1A; GMP-3D, 60 feet south of GMP-3A; GMP6B, 10 feet south of GMP-6; and GMP-11B, 10 feet north of GMP-11A. Methane was not detected at these final monitoring point locations (with the exception of GMP 6B where a reading of 8% LEL was reported). See also Response 2-1.

#### **COMMENT 2-5**

In correspondence dated January 29, 2004 to Mr. Michael Cristo regarding the old City of Rensselaer Landfill, the NYSDEC requested that a landfill remediation plan be prepared to address a variety of issues. One of the Department's requirements was that:

*"The plan should also provide for an extended gas monitoring schedule and plan that provides for the continued assurance that explosive gases are not accumulating in any structures placed as part of the re-development of the site. This should include monitoring both inside and outside of the structures."*

Given the Department's above stated requirement regarding the performance of future explosive gas monitoring at the project site, the installation of passive ventilation systems within the new buildings (as noted on page 2-4 of the DEIS) is not considered to be sufficient. Rather, we concur with the recommendation made by the New York State Department of Health (NYSDOH), as stated in their correspondence to the City of Rensselaer dated October 27, 2008, that an active sub-slab depressurization system should be installed in each unit. In addition, it is our recommendation that the applicant be required to prepare the explosive gas monitoring plan required by the NYSDEC, and that the future implementation of this plan be a requirement of site plan approval. [Stephen LeFevre, City of Rensselaer Engineering Consultant, Barton & Loguidice, PC; letter dated December 4, 2008.]

#### **Response 2-5**

Active sub slab ventilation systems will be provided. See Response 2-1.

#### **COMMENT 2-6**

The driveways for the units along Road B are only 15'. Large vehicles would extend out into the road and be a traffic hazard. Consideration should be given to moving the road south. [Stephen LeFevre, City of Rensselaer Engineering Consultant, Barton & Loguidice, PC; letter dated December 4, 2008.]

#### **Response 2-6**

The townhomes along Partition Street have been removed from the revised plan. No driveways or roads are proposed.

**COMMENT 2-7**

Roads A&B are proposed to be conveyed to the City. It is unclear who would maintain parallel parking alongside Roads A&B. [Stephen LeFevre, City of Rensselaer Engineering Consultant, Barton & Loguidice, PC; letter dated December 4, 2008.]

**Response 2-7**

All roads on the property will be owned and maintained by the landowner.

**COMMENT 2-8**

Submit enlarged portion of site plan of sidewalks and drainage along southerly edge of Partition Street. Maximum grad of sidewalks should be less than 5%. [Stephen LeFevre, City of Rensselaer Engineering Consultant, Barton & Loguidice, PC; letter dated December 4, 2008.]

**Response 2-8**

The townhomes and proposed sidewalk along Partition Street have been eliminated from the revised site development plans. The applicant will address requests for additional bicycle and pedestrian (Sidewalk/trail) features during the site plan review process.

### **3.0 Existing Conditions, potential impacts and Proposed mitigation Measures**

#### **3.1 Soils and Geology**

##### **COMMENT 3.1-1**

Page 3.1-9 – Soils: Silt fencing and other BMPs should be explicitly mentioned here. Address what measures are intended to protect the existing creek beds and wetland areas to remain. [City of Rensselaer, written comments dated December 4, 2008.]

##### **Response 3.1-1**

Silt fencing and other BMPs are identified on the revised site development plans (included as Appendix A to the SDEIS). The existing stream along the southern portion of the property will be protected from sedimentation by existing vegetation, supplemented with silt fence and diversion swales. The majority of the disturbed area will drain to the northwest, away from the existing stream.

##### **COMMENT 3.1-2**

Testing shows “slightly elevated levels ....landfill cap found to be inadequate” The NYSDEC letter from 2004 requires that a plan be submitted to DEC for remediation of the site. Has this been done yet? [City of Rensselaer, written comments dated December 4, 2008.]

##### **Response 3.1-2**

The landfill remediation plan has not been submitted to the NYSDEC for review at this time. The landfill remediation plan will be developed in consideration of the proposed layout of the revised site plan. Repair of the landfill cover is proposed as part of the development. The property owner is acting under the direction of the NYSDEC to submit a plan for the remediation of the surface seep and is in discussions with NYSDEC on how to address the issue.

Development of the project site will not increase the existing rate or quantity of leachate currently generated from the landfill. Ultimately, the proposed action will not impact the existing conditions and leachate control or management is not a project related impact.

##### **COMMENT 3.1-3**

Section 3.1-3: It is stated that “Placement of soil to mitigate exposure potential to landfill.” Is this a sufficient measure? [City of Rensselaer, written comments dated December 4, 2008.]



### **Response 3.1-3**

The proposed repair of the landfill cover will meet or exceed NYSDEC closure requirements. The amendment of soil to the landfill cover will be subject to NYSDEC review.

### **COMMENT 3.1-4**

Section 3-1.6: – It is indicated that 34% of slopes greater than 15%. How does this project ensure slope stability? [City of Rensselaer, written comments dated December 4, 2008.]

### **Response 3.1-4**

The Geotechnical Interpretive Report, dated August 4, 2006, identifies concerns relative to slope stability (DEIS Appendix 9.4). In a letter to the Applicant dated March 1, 2007, Chazen indicates that adjustments were made to the building locations and proposed grading, which will result in a stable slope with an acceptable safety factor (DEIS Appendix 9.4). The revised site development plan further reduces the driving forces that may contribute to slope instability and increases the factor of safety against global slope failure.

### **COMMENT 3.1-5**

Section 3.1-7: The retaining walls are described as 15.5 feet high. Walls higher than 8 feet require a variance. [City of Rensselaer, written comments dated December 4, 2008.]

### **Response 3.1-5**

The revised plan includes retaining walls not more than 8 feet in height.

### **COMMENT 3.1-6**

The discussion of *Landfill History* should mention that the former Rensselaer Landfill was previously listed on the Department's Registry of Inactive Hazardous Waste Sites (NYSDEC Site No. 442003), and was subsequently de-listed based upon the results of the NYSDEC-sponsored Phase II investigation conducted in 1986. This notification should be included in deed language for sales of individual properties. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

### **Response 3.1-6**

The landfill history comment is noted. The project will no longer involve the sales of individual properties as condominiums, all of the units are proposed as apartments. The

DEC notification language will be provided to future tenants within individual lease/tenant agreements. This notification will provide information regarding the site's former use as a landfill and its former listing on the state's Hazardous Waste Registry.

#### **COMMENT 3.1-7**

In their previously referenced correspondence dated January 29, 2004, the NYSDEC notes that Mr. Cristo had informed the Department that he was considering residential development as a possible future use of the landfill area. In contemplation of this use, the Department stated at the conclusion of their letter that:

*"A form of notification should be provided to buyers/tenants of any subsequent residential development of the site. This notification should inform persons of the sites former use as a landfill and its former listing on the state's Hazardous Waste Registry."*

B&L is in full agreement of the above noted recommendation made by the NYSDEC, and we suggest that the issuance of a notification form to all potential buyers/tenants be included as a mandatory provision in site plan approval. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

#### **Response 3.1-7**

Please refer to response 3.1-6.

#### **COMMENT 3.1-8**

On page 3.1-6, the DEIS states that "the surface cap will be re-graded and maintained to minimize infiltration and restrict the vertical transport of landfill contaminants into the groundwater." Is Mr. Cristo going to be responsible for regrading the cap, and also assume responsibility for the future maintenance of the landfill cap? The fill proposed seems to be 0-4' in depth. The plans should notate that construction equipment traffic must be minimized on the existing cap. Low ground pressure equipment working on top of the fill as it progresses is recommended. Compromise of the cap may create leachate or gas vapor issues. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

#### **Response 3.1-8**

Maintenance of the landfill cap will be the responsibility of the property owner. The revised plan identifies the need for low ground pressure equipment when working on the landfill cap.

#### **COMMENT 3.1-9**

In their January 29, 2004 correspondence to Mr. Cristo, the NYSDEC stipulated that the required landfill remediation plan include provisions for the repair of any eroded or settled areas of the cap. In addition, the NYSDEC letter stated that "some enhancements of the cover may be needed depending on the proximity of structures to be placed to the fill area to provide for adequate protection of the environment and human health." Has a landfill remediation plan been submitted to the NYSDEC for review and approval? If so, does the landfill remediation plan take into account the current layout of the townhouses and condominiums as presented in the DEIS? [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

#### **Response 3.1-9**

A landfill mitigation plan has not yet been submitted to the NYSDEC. The plan will include the proposed development plans. Please refer to Response 3.1-2

#### **COMMENT 3.1-10**

Figure 3.1-3 (Proposed Slopes Map) as presented in the DEIS is an 8.5-inch by 11-inch figure that is illegible. Specifically, there is no legend included on the figure to indicate to the reader what the different colored areas represent, nor does the figure contain a scale. The title presented on the actual figure is "Proposed Slope Disturbance Analysis", and the figure is designated as Figure SL2 in the title block. This same general comment also applies to Figure 3.1-2 (Existing Slopes Map). [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

#### **Response 3.1-10**

Figures 3.1-2 and 3.1-3 have been revised accordingly and were included in Appendix A of the SDEIS.

#### **COMMENT 3.1-11**

The DEIS states that a "long" retaining wall varying from 1 foot to 15.5 feet high will be constructed along the southern access road to separate the proposed townhouses from the landfill. What is the actual length of this particular retaining wall structure? Please be advised that the City of Rensselaer Planning Commission requires a variance for the construction of a retaining wall greater than 8 feet in height. Tie backs or geo-grid reinforcement systems extending into the existing landfill cap would also be a concern. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.1-11**

The long retaining wall along the northern side of the landfill has been removed from the revised site development plan. The revised plan does not include retaining walls more than 8 feet in height.

**COMMENT 3.1-12**

The DEIS states that "The proposed cutting and filling plan includes the placement of several feet of clean soil above and adjacent to the existing capped landfill." A copy of this grading plan should be included as an appendix in the DEIS. Also, the NYSDEC should be provided with a copy of this grading plan for review and approval, at least as it relates to the placement of additional fill material on top of the existing landfill cap. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.1-12**

The proposed grading is indicated on the revised plans included as Appendix A of the SDEIS.

**COMMENT 3.1-13**

Differentiate between temporary and permanent site stabilization. Permanent site stabilization is 80% vegetative cover and does not include bare mulches and geotextiles. Temporary stabilization, if performed with mulches and geotextiles, should be on 100% of the disturbed areas of the site, or positive indications of stabilization within 14 days of disturbance. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.1-13**

Construction will be in conformance with the requirements of the SWPPP and the new SPDES General Permit GP-0-10-001. In areas where construction activity has temporarily ceased, temporary site stabilization will be provided within 7 days from the date the soil disturbance activity ceased. Temporary stabilization will be provided with materials set forth in the New York Standards and Specifications for Erosion and Sediment Control. The materials can include mulch, temporary seed and mulch, and/or erosion control mats. Permanent stabilization will be provided with the establishment of a uniform perennial vegetative cover with a minimum density of 80% over the entire pervious surface.

**COMMENT 3.1-14**

Figures SL1 and SL2 are named the same, but do not appear to be the same. Please differentiate. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.1-14**

The names of figures SL1 and SL2 have been corrected and are included as Appendix A of the SDEIS.

**COMMENT 3.1-15**

Indicate FIA (Fluvaquents-Udifuvents) on the northwest corner of the site. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.1-15**

DEIS Figure 3.1-1, Soils, has been updated to show FIA soils on the northwest corner of the site.

**COMMENT 3.1-16**

I understand the proposed Cottage Hill Development will surround the former Rensselaer Landfill. Based on a meeting I attended on October 2, 2006 with representatives of the City, the NYSDEC, the Rensselaer County DOH, the landowner and his attorney and environmental consultant, to discuss the landowner's development proposal, I voiced my concern regarding the potential for soil vapor migration from the landfill into the proposed residential buildings. I recommended that a soil vapor intrusion investigation be undertaken or that a proactive approach of installing sub-slab depressurization systems in any residential structure. The landowner stated that he did not want to do additional investigation and therefore would include the sub-slab depressurization systems into each building design.

Based on my review of the DEIS, I understand that passive ventilation system will be installed in each building. Since the methane gas investigation has revealed that the potential for soil gas migration from the land fill to the proposed residential area is possible, I reiterate my earlier recommendation to install an active sub-slab depressurization system in the homes. This will not only mitigate the potential for exposures to volatile organic compounds in soil gas, but the methane gas, which can represent an explosion hazard at increased concentrations in confined areas, as well. In addition, radon gas in Rensselaer County is elevated and the installation of depressurization systems is a prudent proactive step to prevent exposures to radon gas. [Ms. Charlotte M. Bethoney, NYS Department of Health, written comment letter dated October 27, 2008.]

**Response 3.1-16**

Active sub-slab depressurization systems are proposed for each building, as requested by the author (NYSDOH). See also Response 2-1.

**COMMENT 3.1-17**

The project description indicates the limit of fill of the old landfill is shown on the plans. While one of the plans showing the location of the gas survey shows it, the limit of fill is not shown on the site plan for the actual condominiums. It would be helpful to have this to show relative location of the old landfill to the new buildings. This landfill was closed in the late 1970's, prior to the updated regulations pertaining to landfill closures, and therefore, is covered with two feet of fill, rather than the traditional cap method being utilized today. However, it appears that the Department's prior comments and concerns relative to the landfill have been addressed within the DEIS. [Ms. Nancy M. Baker, NYS Department of Environmental Conservation, written comment letter dated November 17, 2008.]

**Response 3.1-17**

The limit of the landfill is clearly identified on the revised development plans. Included as Appendix A of the SDEIS

**COMMENT 3.1-18**

I'm very concerned with the dump itself. I know it's been there for years. I've been in this town for 65 years, so I know. Anyway, the dump area itself, they had a big explosion, as you know, on Frisbie Avenue in Albany. Same setup; and I don't want to see it happen there. So I think you better really get into that. [William Sheldon, Public Hearing Transcript Pages 24-25].

**Response 3.1-18**

Methane migration has been evaluated in the Explosive Gas Survey, which shows some presence of gas with little evidence of short distance migration in the subsurface (DEIS Appendix 9.11). An active sub-slab depressurization system is proposed for each building as a conservation precaution.

**COMMENT 3.1-19**

The only other question I have is: How deep were the samples for the soil? How deep were they taken? At that depth, does it come into play with the water table at all? I'm not too sure. [Daniel Cotugno, Public Hearing Transcript Page 32].

**Response 3.1-19**

Five soil borings of the project site ranged in depth from 22-37 feet. Boring 1 encountered the water table at a depth of 10.5 feet and boring 2 encountered the water table at 15.5 feet. The water table was not reached in borings 3 through 5.

**COMMENT 3.1-20**

How often do you check the dump soil? Because, obviously, with rain runoff, the top layers get washed away. How often do you take soil samples from the dump to test the soil? The last time that was done was when? [Unidentified Female, Public Hearing Transcript Pages 33-35].

**Response 3.1-20**

According to a study performed in 1986 NYSDEC no ongoing monitoring of the landfill cover is required. The NSYDEC will require the preparation of a report outlining long term monitoring requirements (if any are proposed).

### **3.2     *Water Resources***

#### **COMMENT 3.2-1**

The City of Rensselaer is the lead on stormwater issues under their MS4 permit. According to the permit, the City is required to review the SWPPP as part of their local approval process and sign off on the project with the MSF acceptance form. The project sponsor will still need to obtain a SPDES permit for Stormwater Discharges associated with Construction Activity. Coverage will not be granted without the signed MSF acceptance form. The Department is available to assist the City with any technical questions that they have regarding compliance with the stormwater regulations. [Ms. Nancy M. Baker, NYS Department of Environmental Conservation, written comment letter dated November 17, 2008.]

#### **Response 3.2-1**

The revised SWPPP (included as Appendix C of the SDEIS) includes an MS4 acceptance form for the City's consideration.

#### **COMMENT 3.2-2**

As noted in our scoping response letter of September 19, 2006, there may be federal wetlands on the project site. If impacts are proposed to these wetlands, after concurrence with the US ACOE, a water quality certification may be required from our Department. [Ms. Nancy M. Baker, NYS Department of Environmental Conservation, written comment letter dated November 17, 2008.]

#### **Response 3.2-2**

We acknowledge that a Water Quality Certification may be required from the NYSDEC. A Joint Permit Application for the wetland impacts will be submitted to the ACOE and NYSDEC concurrently during the site plan approval process as the design progresses.

#### **COMMENT 3.2-3**

While the pre and post development discharge was included in the Stormwater Management Plan developed for the project, showing that there would be negligible effects with the construction of the stormwater management basin (via a numerable side by side comparison), there have been questions pertaining to the viability of the existing drainage systems to adequately address the preconstruction runoff- in light of the flooding that occurred this past August. Additionally, it was not clear how the unnamed tributary to the Hudson will be affected, and how this may influence any drainage structures further downstream. [Mr. Robert S. Cherry, NYS Department of Transportation, written comment letter dated November 25, 2008.]



**Response 3.2-3**

The revised plan proposes 4.2 acres of less impervious area than the original project. The revised SWPPP and stormwater calculations indicate a reduction in peak runoff rates from the project site. Therefore, development of this project will not have a negative impact on the receiving drainage system.

**COMMENT 3.2-4**

Section 3.2-1: It is stated that "stormwater runoff from the site ultimately discharges into unnamed tributary to the Hudson River". It should be noted that these streams also receive stormwater from East Greenbush and quickly overflow their banks in storm events. This stream contributed to the recent flooding on Willow Street and must be thoroughly considered and any negative effects from the site should be mitigated. [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.2-4**

Please see Response 3.2-3.

**COMMENT 3.2-5**

Section 3.2-8: The table shows a reduction in stormwater impacts. Please explain. [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.2-5**

Please see Response 3.2-3.

**COMMENT 3.2-6**

Section 3.2-11: It is stated that "drainage will capture leachate and redirect to municipal storm system". What are possible consequences? [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.2-6**

On page 3.2-11, it is stated that the seepage is "proposed to be collected and discharged to the sanitary sewer system." Based on subsequent communications with the RCSD this is no longer an option. RCSD representatives have recommended exploration of discharge of the leachate as a surface water discharge.

**COMMENT 3.2-7**

Section 3.2-15: It is stated that “as no impacts are anticipated to floodplain areas, no mitigation measures are proposed”. This project appears to contribute to the streams that affect the adjacent floodplain, and the City is requesting that this be further verified or mitigated as necessary. [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.2-7**

The revised plan involves 4.2 acres less impervious area than the initial proposed development. The revised SWPPP and stormwater calculations indicate a reduction in peak runoff rates from the project site. Therefore, development of this project will have no negative impacts to the receiving drainage system.

**COMMENT 3.2-8**

Page 3.2-1 – This section should characterize the site contribution to Cottage Hill Street culverts and Willow Street culverts according to topography (i.e. 20% flows to Cottage Hill St / 80% flows to Willow St.). [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.2-8**

The southern side of the site undulates forming two more low areas where streams have formed. Approximately 33% of the property drains toward the Willow Street culverts. The central portion of the site slopes towards Partition Street, leveling out in the area surrounding the closed landfill, then sloping toward the west. Approximately 50% of the property drains to the Cottage Hill Street culverts. The remaining area on the north side of the property, approximately 12%, drains into the storm sewer along the south side of Partition Street.

**COMMENT 3.2-9**

Who is responsible for long term maintenance of stormwater facilities? If it is to be the City, are these costs included in section 3.9? [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.2-9**

Long term maintenance of the proposed stormwater collection and conveyance system, and stormwater management pond, will be the responsibility of the property owner.

**COMMENT 3.2-10**

There are buried culverts at end of Cottage Hill Street and culvert / fencing at end of Willow Street that are obstructing the conveyance of stormwater flow. This condition should be noted in the DEIS. [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.2-10**

According to a site visit by Chazen in October 2009, it appears that debris obstructing stormwater flow has been removed from the culvert inlets on Cottage Hill Street, Willow Street, and the inlet that conveys the Quackenderry Creek under East Street.

**COMMENT 3.2-11**

Address existing drainage patterns and drainage facilities from the south and west of the site. Proposed 36-inch drainage pipe leads to a 24-inch drainage pipe at Willow Street. Based in the need for a 36-inch drainage pipe, the 24-inch pipe may require upsizing. Undeveloped land on the south side of the property drains to existing infrastructure which is not labeled or discussed with regard to capacity. The existing 36-inch inlet south of Partition Street and the east side of the site is apparently plugged with debris. Existing drainage facilities along the south side of partition Street require cleaning and TV inspection to determine conditions. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-11**

Drainage from the south side of the property flows westerly along the Quackenderry Creek and flows overland to Willow Street. No development is proposed within the watershed of this stream; therefore, there will be no impacts to the stream or the Willow Street culvert from the proposed development. The inlet of the 36-inch pipe south of Partition Street does not appear to be plugged with debris; however this pipe will be cleaned and inspected during construction, and repairs will be made as needed. A note has been included on the revised site development plan included as Appendix A of the SDEIS.

**COMMENT 3.2-12**

Section 3.2 was reviewed to the extent feasible in the absence of Appendices I, J, K, and L, of the SWPPP. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-12**

A complete copy of the revised Master SWPPP, including all appendices, is included as Appendix C of the SDEIS.

**COMMENT 3.2-13**

Leachate was reported to exist at point along the western slope. Where specifically does the leachate seep exist? Please indicate on map with regard to final site plan. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-13**

The seep was delineated as wetland by Copeland Environmental, LLC, and is identified as Wetland B on DEIS Figure 3.2-1, Wetland & Watercourses Map.

**COMMENT 3.2-14**

The report earlier stated (3.1-9) that clean fill would be placed on the landfill. Page 3.2-5 states that soils from the southern portion of the site will be located to the central portion of the site. Please show the source of clean fills and indicate onsite testing regime to verify soil quality during earthwork activities. A PID meter is likely required. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-14**

Virgin soils comprised of sandy clay and lean clay, found along the ridgeline where development is proposed, will be relocated to the center of the project site and used to add thickness to the landfill cover. Soils from this area upland from the landfill have been disturbed previously and no historical evidence of site contamination has been identified. The NYSDEC has conducted extensive investigations of the site and has not expressed this as a concern.

**COMMENT 3.2-15**

Provide additional information regarding the structure(s) intended to capture leachate and send it to the sanitary sewer. Also, please forward correspondence from the RCSD indicating that this direct discharge of leachate is permissible. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-15**

The revised plan indicates a seepage collection pit, which is intended to capture the suspected leachate. Discharge to the sanitary sewer has been rejected by the RCSD. Detailed design of this structure will occur as a component of the NYSDEC landfill mitigation plan and submitted during the site plan review process. It is envisioned that this will involve a precast concrete drywell structure surrounded by washed stone and geotextile. The suspected leachate will be conveyed from the new seepage collection pit

to the tributary to Quackenderry Creek. Based on initial communication with the NYSDEC Division of Water, this is a viable alternative.

**COMMENT 3.2-16**

Figure WT-1 states that 0.052 acres of Wetland A will be impacted, but it appears that the entire wetland will be impacted. Therefore, the size of the impact should match the size of Wetland A as stated in the report. Discharge from stormwater pond will impact a small section of wetland A. Tributary drainage area appears to increase from pre-development conditions. Also, indicate impact to Wetland B. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-16**

Wetland A is 0.058 acre in size. As indicated on the revised site development plan, a 0.052 acre portion of this wetland is proposed to be filled and the remaining 0.006 acre portion, adjacent to Cottage Hill Street, will be retained. Discharge from the stormwater pond will be controlled to allow flow rates less than the predeveloped condition. The drainage area contributing to this wetland will increase by approximately 2.5 acres due to grade changes along the ridge. Wetland B is proposed to be entirely filled, resulting in of 0.037 acre of impact.

**COMMENT 3.2-17**

The soils map does not appear to indicate Pg and FIA. Revise accordingly as FIA soils are poorly drained and flood easily. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-17**

The revised soils map illustrates the location of Pg and FIA soils.

**COMMENT 3.2-18**

Existing slope disturbance map does not include a legend. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-18**

The updated slope disturbance map now includes a legend.

**COMMENT 3.2-19**

Landfill cap was found to be “inadequate”. In what way was it inadequate? The report states that this will be regraded, but to what level and will it be appropriately repaired to prevent future leachate and seeps and remediate existing? Does a more impervious cap necessitate additional venting at the landfill? [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-19**

The landfill cover was found to have inadequate thickness as it had less than 2 feet at all locations tested. Per the NYSDEC’s January 29, 2004 correspondence to Mr. Cristo, closure of the landfill is subject to NYCRR Part 360 and a landfill remediation plan will be required by the NYSDEC. Part 360 as it existed prior to 1977, does not specify the type of soil cover. The proposed soil amendment and grading plan will be subject to the review of the NYSDEC as a component of the landfill remediation plan. Its anticipated that the need for any venting will be evaluated at that time.

**COMMENT 3.2-20**

Stormwater runoff at DP-1 is greater in post than pre. It is stated that runoff will not contribute adverse impacts to downstream properties, yet these properties already are flooded during storm events. A watershed analysis that includes elements of existing stormwater infrastructure on Partition, Wilson, and Willow Streets may be required. Can existing drainage features handle the increase in the total volume of stormwater runoff? Receiving piping may require upgrades. Stormwater conveyance piping able to pass 10-year flow without surcharging above the top of the pipe is a standard measure of adequacy. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-20**

The Stormwater Pollution Prevention Plan for the project has been designed in accordance with the *New York State Stormwater Management Design Manual*, dated

April 2008, and the requirements of the NYSDEC SPDES General Permit GP-0-08-001. The permit requirements include both water quality and quantity control objectives.

The revised plan proposes 4.2 acres of less impervious area than the original project. This plan includes a stormwater pond to meet the water quality objectives for most of the developed area. A separate stormwater management dry swale will be used to treat the water quality volume of a portion of the entrance boulevard. The minimum water quantity objectives of the permit require detaining the additional runoff from the development site such that off-site discharge rates do not exceed the predevelopment rates.

The rainfall amounts for the various storm events analyzed are as follows:

- 1-yr, 24-hr duration: 2.4-inches
- 10-yr, 24-hr duration: 4.3-inches
- 100-yr, 24-hr duration: 6.3 inches

Flooding has been known to occur in the surrounding areas due to sediment and debris restricting flow of existing stormwater structures. The City has worked to address this pre-existing problem through increase maintenance of existing structures.

At the request of the City of Rensselaer, and in an effort to improve downstream drainage conditions, the stormwater management pond for the revised development was designed to exceed minimum DEC requirements by over-detaining runoff and reducing the peak rate of discharge from the pre-development rates. The revised stormwater pond has been designed to detain the additional runoff longer than necessary, resulting in slower discharge rates. Computer models indicate that flow rates at the culvert across Cottage Hill Street would be reduced by 27% during the 10-year storm, and 21% during the 100-year storm compared to predevelopment flow rates.

The SWPPP for the project has been designed in accordance with the requirements of the NYSDEC SPDES General Permit GP-0-08-001, which was to expire on April 30, 2010. On January 29, 2010, the NYSDEC issued General Permit GP-0-10-001, which replaces the previous permit. Throughout this document we have routinely referenced GP-0-08-001. This reference was updated and the modified SWPPP was presented as Appendix C of the SDEIS. The permit requirements include both water quality and quantity control objectives. At this time it is envisioned that these objectives will be met through the use of a micropool extended detention pond and a dry swale, in conformance with the New York State Stormwater Management Design Manual, dated April 2008. The NYSDEC is in the process of revising the Design Manual, which is scheduled to be complete in April 2010. The revisions include requirements to incorporate runoff reduction techniques. A

SWPPP must be prepared using the revised version of the Design Manual beginning six (6) months from the final revision date. It is possible that the SWPPP for this project will need to include runoff reduction techniques. This determination can be made once the final revision to the Design Manual is issued, and prior to the City's acceptance of the SWPPP and submission of the Notice of Intent (NOI).

Therefore, development of this project will not have a negative impact on the receiving drainage system and will improve upon the current condition.

**COMMENT 3.2-21**

Page 3.2-9 states that the open system is HDPE pipe. Please confirm. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-21**

The primary system of stormwater conveyance will be HDPE pipe, which is a closed system. The SWPPP has been revised accordingly.

**COMMENT 3.2-22**

The report states that "a substantial amount of filling in this area will occur which is likely to substantially reduce or eliminate the presence of this leachate." What is the minimum depth and permeability of the existing soil cap and the expected permeability of the fill soils. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-22**

The current minimum depth of soils covering the landfill varies from 0 - 2 feet of common earth. The proposed cover/cap will be a minimum of 2 feet thick using sandy clay and lean clay soils found on-site in the upper stratum of the proposed building locations as identified in the Geotechnical Report. See also Response 3.3-19.

**COMMENT 3.2-23**

It is recommended that the Applicant determine a secondary plan for the leachate in the event that the RCSD and/or NYSDEC does not permit this to be discharged to the existing sanitary system with a downstream CSO. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]



**Response 3.2-23**

The revised plan indicates a seepage collection pit, which is intended to capture the suspected leachate for conveyance to the tributary to Quakenderry Creek. The initial response from the Rensselaer County Sewer District (RCSD) operator was that the plant will not accept such materials. Following this initial correspondence the applicant made a formal application, dated November 10, 2009, to the RCSD providing analytical characterization of the effluent consistent with the policies and procedures of the RCSD and NYSDEC guidance documents. In a letter dated November 30, 2009, the RCSD responded stating that their decision to decline acceptance of the discharge still stands. In this correspondence the RCSD recommends discharging to the nearby Quackenderry Creek.

Based on this communication the suspected leachate will be conveyed from the new seepage collection pit to the tributary to Quackenderry Creek. Subsequent discussions with the NYSDEC Division of Water have indicated that if the applicant proposes to discharge into Quackenderry Creek or pipe it directly to the Hudson River, a SPDES permit will be required. Based on this initial communication, this is a viable alternative.

**COMMENT 3.2-24**

Areas slated for construction equipment cleaning, concrete truck washout, etc. need more than a berm. This area should trap sediment and contaminants from entering the soil, and sediment, contaminants, and debris should be regularly and properly disposed of in accordance with State and local laws. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.2-24**

The revised plan designates an area for construction equipment cleaning. This area will be surrounded by a berm, and slope to a temporary sediment trap. The trap will be cleaned regularly, and material removed will be disposed of legally.

**COMMENT 3.2-25**

The detention pond is going to be a hundred-year flood plain; is that correct? [Daniel Dwyer, Mayor of City of Rensselaer, Public Hearing Transcript Page 23]

**Response 3.2-25**

The proposed detention pond is designed to capture and detain runoff from a 100-year, 24-hour storm event, and release the runoff at a rate that is less than the peak rate under existing conditions. The pond should not be considered a 100-year flood plain.

**COMMENT 3.2-26**

What size restrictive line are you going to put in there? It's got to be -- it has to be small enough, okay, small, so if that overflows, we don't get hammered by it, no if's, and's or but's about it, because we had a problem up in East Greenbush. They had a big one in there and that thing was flowing out like it wasn't holding anything. We told them about it. They put a six-inch restricter in there and it worked great. [Daniel Dwyer, Mayor of City of Rensselaer, Public Hearing Transcript Page 23]

**Response 3.2-26**

Discharge from the stormwater pond will be restricted by the use of various size openings in the outlet control structure. Discharge from a 1-year, 24-hour storm event will be restricted by a 2.5" diameter orifice. Discharge from a 10-year, 24-hour storm event will be restricted by a 10" diameter orifice. Discharge from a 100-year, 24-hour storm event will be restricted by a 2'-6" wide weir.

**COMMENT 3.2-27**

I live on Partition Street, one of the flood victims. This gentleman just talked about state legislation. We know the state didn't help any of us at all. We know about it, for starters. Number two, you're going to take this and all this is going to run right into the creek again. We're going to have another flood. It's going to happen and we all know. We can see it. We know it's happening here. I hope -- I hope you people don't accept this. Please, for the sake of all of us in the Hollow, we don't need this. It's just not fair to the rest of us. [Debbie Cantuni, Public Hearing Transcript Page 25]

**Response 3.2-27**

The revised plan involves less impervious area than the initial proposed development. The revised SWPPP and stormwater calculations indicate a reduction in peak runoff rates from the project site. See Response 3.3-20 for additional details. Therefore, development of this project will not have a negative impact on the receiving drainage system.

**COMMENT 3.2-28**

I live at the end of Partition Street. And this proposal that you're going to go through, it won't work. It will flood that creek. I've got pictures to show you. That runoff of Mr. Cristo's land runs into Cottage Hill Street and runs into my front yard every rain storm. So if you put a retention pond, I don't care whatever you want to put there, it's not going to work, because that creek will flood out just like over on the other side. The only problem is you put a school on top of a hill and all the runoff, it floods up and it just blew up on you. And it's what is going to happen

here, because all those houses that you have there, that creek will not hold all that water. I don't know care what you got, a retention pond somewhere, that water's got to go. And I see water coming around my house and it took cobblestones like little pebbles and it pushed them all over the place. And it will happen this spring, because nothing got done with the creek on the other side of Partition and the creek on our side. Nothing's ever been done. You were supposed to have a culvert done two years ago. It got started and, all of a sudden, it stopped, because we were going to have a DPW building at the end of Cottage Hill and when the mayor couldn't get his own way, one week, that's all it took and everybody moved out. And you got the drainage pipes, you got everything just the way it was two years ago. And the water is just - it's just going to flood the place out, because I heard people that live in here and Rensselaer for I don't know how many years and this is the worst it's ever been, because it doesn't matter about Target and all these other places, what it was. That school was put on top of a hill and the water's got no place to go and you're going to flood everybody out. [Edward Laduke, Public Hearing Transcript Page 26]

#### **Response 3.2-28**

The proposed project will effective reduce stormwater flows as compared to the current condition. Please see Response 3.3-20.

#### **COMMENT 3.2-29**

I've been down Mr. Laduke's street three times in the last two weeks. I've been all over the place ever since the flood on August 11, both sides of Partition Street. I can tell you the drainage problems you're talking about are absolutely true. That retaining pond, if it's ever there, is going to feed into a tributary of the Quackenderry Creek that consists of a culvert going underneath the end of Cottage Hill Street that leads up into a dirt road and a big lot; okay? And the water right now -- I mean, it's just insufficient. Okay. It's just not good enough. Three weeks ago Saturday night, there was another flood. I didn't get there til Sunday morning. I was called down. There were three streams coming down from the top of the hill from three different locations. They landed on Cottage Hill Street, went down Partition Street. They were filthy with this brown gook, okay, whatever you call it, and it went down Partition Street. We got the DPW guys to go there. They dug a ditch across the street from Mr. Laduke's house and it has temporarily stopped it. That's just a temporary ditch. I don't know how long it's going to live. Tommy went down, dug out a sewer that was submerged, a storm sewer on the east side of Cottage Hill Street and, temporarily, that is working. That's now salvaging. In the rains we had last week, that had worked, but it's not going to last too long. It's going to be another budding problem and it's going to go down Partition Street. It's going to hit Ann's house, and I've seen that, and that's only before you get down to the Quackenderry Creek, which is another block away, and a bridge underneath Partition Street where Mr. Bill Parker lives where the culvert flew up out of the ground, another big culvert. So you've got massive drainage problems down there, for one, that have to be solved before this project can be given any kind of justice. [Bill Lithgow, Public Hearing Transcript Page 28]

**Response 3.2-29**

The proposed project will effectively reduce stormwater flows as compared to the current condition. Please see Response 3.3-20.

**COMMENT 3.2-30**

I respect the fact you guys are working diligently on the project near exit 8. That's a contributing factor to the flood water, especially with this project. It seems that with the two projects, the water coming from the two projects, it's just too much for that one area with all the culverts all dug up. Everything's not in the shape that is needed to take care of that water. It's not necessarily the extra flow. It's the curb flow right now. Every time it rains, it's just way too much for the system to even tolerate right now. There needs to be a larger project to fix that area for it to really have any chance of just taking care of the regular water, not necessarily any increase from a hundred-year total five-year flood. [Daniel Cotugno, Public Hearing Transcript Page 32]

**Response 3.2-30**

The proposed project will effectively reduce stormwater flows as compared to the current condition. Please see Response 3.3-20.

**COMMENT 3.2-31**

I live at 905 6th Street. This gentleman here said that pond was tested for seven inches of rain in twenty-four hours or something like that. Next time I get an inch or an inch and a half of rain, I want you to come down to my house and see what an inch or inch and a half of rain does to that creek. I have a five-foot high retaining wall and within two hours, that water will come from a foot to five feet high. There's no way you can tell me that those state standards that they told you about are going to work on that creek. That creek is way, way overfull. There's too many people dumping into that thing and there's no way I'm ever going to let anybody else dump any more water near that thing. The next time we get an inch of rain, come down and see for yourself what it does. You guys, I invite you all to come down, okay, because I just got \$21,000 worth of damage to my house in August from seven inches of rain in -- what? Three hours? I had six and a half feet of water in my basement. That's never happened before, and I've lived in that house for twenty-one years. So the state or wherever they're getting their information from is wrong, because that doesn't apply to this little creek anymore. [David Gardner, Public Hearing Transcript Page 36]

**Response 3.2-31**

Please see Response 3.3-20.

**COMMENT 3.2-32**

Kim Conger, 4th Ward Alderperson. I just have a few things to say. I have been talking with my constituents for months now since the flood and I'm completely opposed to this project. They have been through hell and back and, unfortunately, we have not responded to them well enough in this city, in my opinion, and I've been very verbal about it. I think that by adding another project, you're going to make more problems for them in the future. When it rains, these people do not sleep at night. It is not fair to put any more additional stress onto them. Mr. Cristo, I applaud you trying to do something good for the city. I think we need the tax base, but I think the residents should come first. And please listen to what they're saying, because you know what? It's not fair to them. I'm out next year, but I don't want to hear in the future that they're having to fight uphill to maintain their homes. If any of you didn't go down there and see what happened, it was a nightmare down there. I'll tell you honestly, I spent hours, and they'll agree with me, down there with them and they're still cleaning up. And it's probably going to take them months before it's back to normal. So please, please, please reconsider this project. Thank you. [Kim Conger, Public Hearing Transcript Page 37]

**Response 3.2-32**

The proposed project will effectively reduce stormwater flows as compared to the current condition. Please see Response 3.3-20.

**COMMENT 3.2-33**

That retention pond looks like it's going to be right across the street from our house and if that overflows, then our house is just gone. As it is now, the water that comes down off the hill from Mike Cristo's almost goes into our basement windows when it really rains. And we did get water when the flood came and it was only because of the runoff from Cristo's. And if the DEC says he's supposed to maintain vegetation, why are they stripping it down with no vegetation? And the ruts are a joke, because the thing is nothing but a rut. The ruts coming down off of the side bank are this wide and this deep and that's how the water runs right across the road into the house. [Sara Crawford, Public Hearing Transcript Page 37]

**Response 3.2-33**

Both the SWPPP and the landfill mitigation plan will require the applicant to perform routine maintenance including post construction inspections. Please see Response 3.3-20.

**COMMENT 3.2-34**

At the end of Cottage Hill, the mayor of Rensselaer wanted to start a DPW building; okay? And what happens with the -- I don't know if there's anything from DEC or wherever, but you ought

to have somebody come down and see the mess that he made. It did not fix it. Every time you get a rainstorm, it's between the Mayor, it's between Mr. Cristo. My house is right in the middle and one of these days, it's going to get flooded and is anybody going to worry about it? The mayor, he's got all his other stuff to worry about, but he went and created a disaster. You got another disaster right across the street from me and all of this stuff is not going to work, not for that little bit of area. It's just not going to work. Thank you. [Edward Laduke, Public Hearing Transcript Page 39]

**Response 3.2-34**

Please see Response 3.2-20.

**COMMENT 3.2-35**

With the flood this year, they'll tell you, I was out there; I was almost swept away by the water just trying to clean the gullies out. I'm 66 years old. I can't do that anymore. We need some help down there. [Ann Malatuck, Public Hearing Transcript Page 41]

**Response 3.2-35**

Please see Response 3.2-20.

**COMMENT 3.2-36**

I don't know enough about this area admittedly, this particular area, and water runoff problems in general. My question is: Is it possible that that collection, the water collection point, in the lower left corner could be designed not only -- possible -- not only to meet the demands of the new development but, perhaps, even correct the current problems in the neighborhood? Is that a possibility? [Mr. Campano, Public Hearing Transcript Page 42]

**Response 3.2-36**

The revised site development plan proposes less impervious area than the original project. The revised SWPPP and stormwater calculations indicate a reduction in peak runoff rates from the project site. See also Response 3.2-20

**COMMENT 3.2-37**

I know you have natural springs there. And I didn't know if maybe with some of this moving around if even from up with the school or whatever, maybe that contributed to some of the natural springs that are bubbling up and creating more of a havoc? [Ms. Van Vorst, Public Hearing Transcript Page 43]

### **Response 3.2-37**

The applicant's consultants have completed subsurface investigations of the Cottage Hill property, which included soil characterization and ground water level determination in five borings and numerous test pits. The data derived from these investigations indicate that groundwater is well below the ground surface over most of the site resulting in the absence of springs in these areas. The one exception to this is the area near Partition and Cottage Hill Streets where the groundwater level is at or near the ground surface causing wet conditions and the presence of a spring (seep) in this lower site area. The project addresses this lower spring (seep) through capture and conveyance. Architects and structural engineers will include footing drain systems to address any groundwater that may be encountered as a result of foundation design and installation.

### **COMMENT 3.2-38**

I'm 3rd Ward Alderman. I represent South Partition Street. Some concerns have come up here of drainage. I want to make this clear: When the water goes through down the hill, goes into the tributary and then goes into the Quackenderry Creek and under East Street, the culvert under East Street had sinkholes, three of them in the summertime dam with sticks. And he's got a plan for our new city engineer, Frasier Associates, to go back in on the east side of East Street and fix the part of the culvert that is falling down. Right now, only trees are holding up the dirt from falling into that creek. And these people, volunteers, have taken all tree limbs and stuff that has been there for a long time. But Dan's got the plan coming all the way back up the Quackenderry far up beyond Mr. Pelton's house on 6th Street where this old dam was built by the Corps of Engineers farther up. That would be millions of dollars. Don't have the money for that. Has to figure out a way to do that. I agree with these people that that has to be done first. Drainage has to be fixed. It's not like we're not working on that. That's just another big problem. Underneath the railroad tracks, there's another problem going over to Broadway. Some DPW guys have gone through, all the underneath, they've walked all the way through. That is pretty clear underneath the train tracks underneath that. But where the water then goes into Broadway and hits Martino's Texaco Service Station, the creek narrows. So you've got this large bunch of water coming down the hill coming from the streams on top of that hill there and other tributaries coming in and it narrows. It's like a bottle that you sort of get water going into a funnel and coming out the other end. So there is through there past the gas station, but it's a narrow neck. So it's a further complicating factor. Then, I understand there's a sandbar out there in the Hudson River that throws the water back into the creek again where it hits there. So there are significant drainage problems. [Bill Lithgow, Public Hearing Transcript Page 49]

### **Response 3.2-38**

Please see Response 3.2-20.

**COMMENT 3.2-39**

I don't know if you guys are aware of this, but when Amtrak did their new building, they had a culvert that they downsized, which is also an issue that is coming up as well. They went with a much smaller -- and I don't know the dimensions. I'm sorry. I can't remember. They went from something large to something smaller, which also is impeding the water from flowing out freely as well. So you've got a multitude of issues that need to be cleared up, plus the culverts that were sitting on Mr. Underwood's lawn that we have to fix or put something back there. And poor Mr. Cristo; you kind of got the crap end of the deal, because up until August 11th, this wouldn't be here tonight. So, you know, we'd be here complaining about traffic, not all these other issues. So that's all I have to say. That's enough. [Kim Conger, Public Hearing Transcript Page 51]

**Response 3.2-39**

Please see Response 3.2-20.



### *3.3 Vegetation and Wildlife*

No comments received.

### *3.4 Cultural Resources*

#### **COMMENT 3.4-1**

The DEIS indicates that a Phase 1B report has been completed. Has that report been forwarded to the NYS OPRHP for review? Please include a copy of their response in the FEIS, or forward a copy to our office when it has been received. [Ms. Nancy M. Baker, NYS Department of Environmental Conservation, written comment letter dated November 17, 2008.]

#### **Response 3.4-1**

The Phase 1B Archaeological Field Testing Report was submitted to NYS OPRHP on December 11, 2008. NYS OPRHP issued a letter of NO EFFECT, dated January 1 2009. A copy of this correspondence is provided in Appendix B of the SDEIS. The Phase 1B report was presented as Appendix 9.10 of the DEIS.

### *3.5 Transportation*

#### **COMMENT 3.5-1**

On page 3.5-8 (under the heading 2010 No-Build Traffic Volumes), it is indicated "Conversations with representatives from the City of Rensselaer indicated that there are no other projects within the study area that will increase traffic volumes within the study area." We do not believe that to be an appropriate statement in light of UW Marx's Rensselaer Riverfront Redevelopment project, which will have its access just south of the intersection of Broadway and Partition Street.

We understand that this intersection will be part of the larger Broadway reconstruction project; however, Region One Planning has yet to receive a copy of the design report for this locally administered project.

It is our opinion that the traffic volumes generated from both of these substantive projects be recognized, and the cumulative volumes (background growth, Riverfront Redevelopment, and Cottage Hill) be incorporated into the traffic analyses to ensure that the improvements to Broadway (and the surrounding roadways and intersections) can appropriately meet the expected demands. [Mr. Robert S. Cherry, NYS Department of Transportation, written comment letter dated November 25, 2008.]

### **Response 3.5-1**

The proposed Cottage Hill Landings is expected to be complete in late 2011. The UW Marx's Rensselaer Riverfront Development project recently completed the SEQRA process and construction likely occur in phases over a 10 to 15 year period. Therefore, the timeline for the riverfront redevelopment project is beyond the scope of the Cottage Hill Landings traffic impact study. However, according to conversations with a representative working on the Broadway Reconstruction project, potential traffic volumes from both of the development projects is being considered within the Broadway Reconstruction project.

### **COMMENT 3.5-2**

I live at 836 5<sup>th</sup> Street in the Hollow, around the corner from Cottage Hill. I agree with Bill about the traffic as far as the little league right down there. They're all going to try and sneak down his street and down East Street. And Partition Street has all those dump trucks going up and down all day long. It's bad enough traffic with those making all kinds of dirt and wrecking the road. So they're going to wreck Partition Street even more than it already is with all that. There's going to be at least 180 cars. You know what I mean? I mean, there's so many different things besides this just being in the dump and the water. It's just not going to work, no way. There's just not enough volume for that many people to move in right there. [John Poole, Public Hearing Transcript Page 26]

### **Response 3.5-2**

Information provided by the Capital District Transportation Committee (CDTC) indicates that local roads can accommodate up to 625 trips per hour and maintain an acceptable level of service of D. Existing volumes traffic on Partition Street in the vicinity of the project site is approximately 150 trips during the AM, PM, and Saturday peak hour. The proposed project is expected to generate between 80 and 100 peak hour trips, which would result in approximately 250 trips during the peak hour, well below the number of trips per hour that local roadways are capable of accommodating.

### **COMMENT 3.5-3**

Then, the traffic, my God, you just got to go down there and stand on 5th Street and Partition and look up the hill and try to envision 180 condos, another road, probably and picture all that traffic going down that hill, up the hill, Partition Street, over the bridge, which is going to then mingle with the traffic from the Marx project and you've got a massive traffic jam building up. Plus, you've got projects being designed up on Broadway, okay, and they're going to have more traffic. Traffic goes south, might go north and over the I-90. To whatever extent it comes south, it's going to be a massive problem. [Bill Lithgow, Public Hearing Transcript Page 30]

### **Response 3.5-3**

The Traffic Impact Study (TIS) for the proposed project determined that all study area intersections will operate at good to acceptable level of service (LOS A-B) during all peak hours. As discussed in Response 3.6-1, the Broadway Reconstruction project takes into consideration traffic generation from the proposed project and other ongoing development projects in the region. The TIS is provided in Appendix 9.9 of the DEIS.

### **COMMENT 3.5-4**

I live at 95 Partition Street. My main concern is the traffic on Partition Street. If you figure at least two cars to a family today, sometimes it's three, that's going to put 400 cars on our street and then that back street every day. We have children down there. They need to be protected. They love to play in the road. You know how kids are. They're always chasing balls, playing football. These kids have nowhere to play. They play in the street. So, really, we need to keep those streets clear. [Ann Malatuck, Public Hearing Transcript Page 40]

### **Response 3.5-4**

As noted in Response 3.6-1, the proposed project is expected to generate between 80 and 100 vehicle trips during the weekday AM, PM, and Saturday midday peak hours. During all other times of the day, the trip generation for the proposed project will be less.

### **COMMENT 3.5-5**

Most trips appear to route through the Wilson / Cottage Hill Streets intersection, which are much smaller roadways than Partition Street. Why not route traffic down Partition and make use of existing signal controls at Partition / Third, Partition / East, and Partition / Broadway? What if the Wilson / Cottage Hill Street access was not used? How would that affect LOS calculations at the other intersections? [City of Rensselaer, written comments dated December 4, 2008.]

### **Response 3.5-5**

The TIS distributed traffic generated by the project based upon the original site development plan dated May 31, 2007. This plan provided site access in two locations, on Partition Street and Wilson Street with 90% of the site-generated traffic accessing the site via Partition Street and 10% using Wilson Street.

The Wilson Street site access has been removed in the revised site development plan, as such it is anticipated that up to 100% of the site generated traffic will use the Partition Street access. This translates to an increase of approximately 10 vehicles using the

Partition Street access during each peak hour. This minimal increase in trips would not affect the good to acceptable level of service expected at study area intersections under the Build condition.

**COMMENT 3.5-6**

Page 3.5-25 – Traffic: Proposed clearing of vegetation (stated on page 3.5-25) is for both Exits #1 and #2, which is in conflict with p. 3.5-27. Please clarify. [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.5-6**

The revised site development plan does not provide site access at Wilson Street. Vegetative clearing is recommended to the east of the Partition Street access to provide sufficient sight distance for vehicles exiting the site and turning left onto Partition Street. No other sight distance mitigation is warranted.

**COMMENT 3.5-7**

I live on the street above Cottage next to Cottage Hill Road. Anyway, I live on Wilson Street. And, now, I see where it comes down and they say the overflow traffic is going to come out onto Wilson Street, actually, Cottage Hill and Wilson ends right there. And to begin with, the street that I live on, if you park two cars there, you can't even get a bicycle through. But, also, this is going to make a big flow up and down Wilson Street that we didn't have before, a big flow of traffic. And I'm concerned about it, because you know, we have to park there and everything else and you got 180 units. It's going to flow down in front of my house and I'm very concerned about that. [William Sheldon, Public Hearing Transcript Pages 24-25]

**Response 3.5-7**

Please refer to Response 3.5-5.

### *3.6 Police, Fire, and Emergency Medical Services*

#### **COMMENT 3.6-1**

How will the fire department handle the additional need for staff? The tax revenue surplus will likely not cover the cost of additional staff. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

#### **Response 3.6-1**

As stated in the September 2, 2008 letter from Fire Chief Philip J. Foust, the fire department will be able to meet the increased demand for service with existing staff levels (DEIS Appendix 9.2).

#### **COMMENT 3.6-2**

Include documentation from the police, fire, DPW and EMS departments regarding available resources. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

#### **Response 3.6-2**

Response letters to FOIL requests have been provided in Appendix 9.2 in the DEIS. Correspondence regarding comments on the October 14, 2008 DEIS was included in Appendix B of the SDEIS.

#### **COMMENT 3.6-3**

In reading through the Environmental Impact Statement, only the fire department's mentioned they don't have enough personnel. The police department says there's no need for additional police services. I question that, because for the people up there, there has to be more need for police services. [Bill Lithgow, Public Hearing Transcript Page 31]

#### **Response 3.6-3**

As stated in the letter from Frederick M. Fusco, Chief of Police, the Common Council is charged with determining appropriate staffing levels for City of Rensselaer Police Department. Additional tax revenue generated by the project could be used to add personnel to police department.

### *3.7 Utilities – Water Supply and Wastewater Disposal*

#### **COMMENT 3.7-1**

The sewer extension will require Department review and approval. The information we need for our review includes engineering plans and an engineer's report that demonstrates the downstream components of the sewer system (sewers, Forbes Avenue Pump Station and RCSD treatment plant) have the capacity to convey and treat the increased flows from this project. The report should also identify whether this project is upstream of a CSO. [Ms. Nancy M. Baker, NYS Department of Environmental Conservation, written comment letter dated November 17, 2008.]

#### **Response 3.7-1**

The project sponsor acknowledges the NYSDEC review requirements. The existing sewers from the project site to the Rensselaer County Wastewater Treatment Plant have the capacity to convey and treat the additional sewage estimated to be generated by the development. According to the City of Rensselaer Map of Existing Sewerage System, and discussions with DPW staff, sewage from the project will not be conveyed to a CSO regulator. Refer to Appendix E of the SDEIS for more information.

#### **COMMENT 3.7-2**

Also regarding CSO issues, attached is a copy of a letter from the Department dated March 24, 2008, letter and the guidance memo referenced in the letter. The City of Rensselaer must attest to the ability of the sewer system to convey the dry weather flows associated with the extension. In addition, they need to acknowledge that by accepting these flows, they are committing to assessing the impacts of the increased flows on the CSO using tools that are being developed as part of the CSO Long Term Control Plan (LTCP) and also committing to addressing any identified impacts in the LTCP. [Ms. Nancy M. Baker, NYS Department of Environmental Conservation, written comment letter dated November 17, 2008.]

#### **Response 3.7-2**

According to the City of Rensselaer Map of Existing Sewerage System, and discussions with DPW staff, sewage from the project will not be conveyed to a CSO regulator. Refer to Appendix E of the SDEIS for more information. When the LTCP becomes available, it will be reviewed for potential impacts on the project.

#### **COMMENT 3.7-3**

Section 3-7-1: Information on water service is incorrect. The City of Rensselaer and East Greenbush jointly own a water tank that serves the City of Rensselaer and would supply water

to this project site. This tank is scheduled for replacement by the end of 2009 and until that time does not have sufficient capacity for a large project. The Rensselaer County Health Department has indicated that no significant new connections can be made until the tank is replaced. The two million gallon tank on Partition Street referred to in the DEIS does not serve the project site as stated in the DEIS. [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.7-3**

The jointly owned water tank was recently replaced with a 5 million gallon tank.

**COMMENT 3.7-4**

Section 3-7-2: The wastewater section needs a clear map showing exactly what route wastewater will utilize to flow from the site to the County Main. The size, capacity and the condition of the municipal pipes must be demonstrated. DEC has indicated that system can convey sewer flow and also what effect this will have on what weather flows and if this will cause additional overflows. Impacts on CSOs can be determined once the modeling for the CSO Long Term Control Plan has been fully developed. [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.7-4**

According to the City of Rensselaer Map of Existing Sewerage System, and discussions with DPW staff, sewage from the project will not be conveyed to a CSO regulator. When the LTCP becomes available, it will be reviewed for potential impacts on the project. Refer to Appendix E of the SDEIS for more information.

**COMMENT 3.7-5**

Section 3.7: The County DOH will not allow any future development to obtain water from the identified water tank until that tank is replaced. This should be addressed. [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.7-5**

The jointly owned water tank was recently replaced with a 5 million gallon tank.

**COMMENT 3.7-6**

Section 3.7: Address the previous comment regarding CSO compliance. [City of Rensselaer, written comments dated December 4, 2008.]

**Response 3.7-6**

According to the City of Rensselaer Map of Existing Sewerage System, and discussions with DPW staff, sewage from the project will not be conveyed to a CSO regulator. Refer to Appendix E of the SDEIS, Engineer's Report for Wastewater Management for more information.

**COMMENT 3.7-7**

Has the capacity of the pump stations and water treatment plant been verified by the RCSD? Provide documentation that the RCSD has reviewed this proposal. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.7-7**

Based on discussions with Mr. Gerrard Moscinski, Administrative Director of RCSD, the Forbes Avenue pump station and the wastewater treatment plant have sufficient reserve capacity to service the proposed development. Refer to Appendix E of the SDEIS for more information.

**COMMENT 3.7-8**

Indicate that the water distribution system should also be designed per NYSDOH and 10-State standards. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.7-8**

The revised Engineer's Report for Water Supply, included in Appendix D of the SDEIS, describes the water distribution system design and its compliance with the NYSDOH and Ten States Standards.

**COMMENT 3.7-9**

Provide fire flow calculations and ISO requirements for high rise and attached buildings. Given the date of the fire flow testing, and the statement made earlier in the report that much development has occurred recently, provide updated fire flow tests on 8-inch main at Partition



Street. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.7-9**

The revised site development plan includes buildings that will all require sprinkler systems. This revised plan eliminates the eight (8) story structure and the tallest structure will be four (4) stories. ISO does not determine the needed fire flow for buildings with sprinkler systems. Available fire flow has been calculated based on information taken from a report entitled "Feasibility Report for Water System Improvements", prepared by Barton & Loguidice, P.C., December 2008. Refer to the Engineer's Report for Water Supply and Distribution included in Appendix D of the SDEIS for additional information.

**COMMENT 3.7-10**

Please provide calculations to determine available flow pressure at the hydrant furthest into the site. What is available fire flow at the high rise and will it require a fire pump? Data from the City's consultant water model can be provided to assist with this effort. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.7-10**

The revised plan includes buildings that will all require sprinkler systems. Available fire flow has been calculated based on data taken from a report entitled "Feasibility Report for Water System Improvements", prepared by Barton & Loguidice, P.C., December 2008. The minimum static pressure expected on site is 65.2 psi. The calculated fire flow rate is 750 gpm at a residual pressure of 22.8 psi. It is anticipated that each building will have a fire pump for the sprinkler system. Based on Chazen's experience, the pressure and flow expected at the site will be adequate for the building sprinkler systems. The details of the buildings fire protection systems will be further refined during the site plan review process. Refer to the Engineer's Report for Water Supply and Distribution included in Appendix D of the SDEIS for additional information.

**COMMENT 3.7-11**

Water distribution has many dead ends. A loop to connect Road A with Partition Street is understandably not provided since the water main would have to go through the old landfill. However, loop all ends of driveways on the south side of the site to each other, including the high rise area. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.7-11**

The revised plan provides minimizes dead end water mains to the extent practical.

**COMMENT 3.7-12**

Provide additional information on the Wilson Street Sewer (current loading, condition, calculations, etc.). This sewer will require cleaning to enable TV inspection and assessment of its current condition. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.7-12**

According to discussions with City DPW staff, the Wilson Street sewer is in good condition. The calculations included in the revised Engineer's Report for Wastewater Management demonstrate that this sewer has sufficient reserve capacity to provide service to the proposed development (see Appendix E).

**COMMENT 3.7-13**

Not enough information was provided to verify the net increase to the CSO (Must comply with the Long Term Control Plan for CSO's). The City is part of a local consortium studying their respective CSO's with NYSDEC involvement. The City has received NYSDEC correspondence stating their concerns regarding system extensions under current conditions. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.7-13**

According to the City of Rensselaer Map of Existing Sewerage System, and discussions with DPW staff, sewage from the project will not be conveyed to a CSO regulator. Refer to Appendix E for more information.

**COMMENT 3.7-14**

Sewer should be constructed per NYSDEC standards as well. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.7-14**

The revised Engineer's Report for Wastewater Disposal includes the requirement that the sanitary sewer system be designed and constructed in accordance with the NYSDEC and Ten States Standards.

**COMMENT 3.7-15**

The City has received notification from the Rensselaer County Department of Health (RCHD) via letter dated May 6, 2008 expressing concern over proposed development and the less than minimum water supply storage of the jointly owned water supply system under current conditions. RCHD has indicated they will not approve any projects located in the City of Rensselaer or the Town of East Greenbush until it can be demonstrated to the department that the minimum of 24 hour water storage is available. One of the system tanks is scheduled to be replaced by September 2009. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.7-15**

The jointly owned water tank is being replaced with a 5 million gallon tank. Construction of the replacement tank was recently completed

**COMMENT 3.7-16**

DPW services have got to be increased. The whole area has problems with the existing storm sewers. There are flowers growing out of sewers on 6th Street and there's sewers that are just covered over in the other area. There's a need for another sewer on the west side of Cottage Hill Street and, plus, what it's going to do to this man's house. [Bill Lithgow, Public Hearing Transcript Page 31]

**Response 3.7-16**

The revised plan involves less impervious area than the initial proposed development. The revised SWPPP and stormwater calculations indicate a reduction in peak runoff rates from the project site. Therefore, development of this project will not have a negative impact on the receiving drainage system.

### *3.8 Visual Resources*

#### **COMMENT 3.8-1**

The 8-story building appears quite significant in figures 3.8-8 (“Viewpoint 1: Proposed view from the Broadway Viaduct Bridge”) and 3.8-9 (Viewpoint 2: Proposed view from Dunn Memorial Bridge”). Visual mitigation should be considered. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

#### **Response 3.8-1**

The eight-story building has been removed and the site layout reconfigured. The tallest structure on the revised site development plan is four stories. Reduction of height is an effective mitigation strategy. Please see Response 1-8 for additional description of the planned mitigation. Refer to the revised site development plans in Appendix A of the SDEIS.

#### **COMMENT 3.8-2**

What will the project look like from new homes and condos in nearby East Greenbush? [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

#### **Response 3.8-2**

The Final Scoping Document, adopted by the Town on October 10, 2006, directed the Applicant to evaluate the visual resources of four critical receptor points approved by the Planning Commission. Views from homes and condos in East Greenbush was not determined to be a critical receptor point by the Planning Commission.

#### **COMMENT 3.8-3**

The 8-story building will be highly visible from most of the Amtrak Station area of the City. The architectural should have a clear “residential” appearance to communicate that this is not a hospital, hotel, or commercial structure. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

#### **Response 3.8-3**

The revised plan reduces the noted structure by four (4) stories and 35 feet in height. Please see Response 3.8-1.

**COMMENT 3.8-4**

Is there potential for the 8-story building to be located at a lower elevation to reduce visual impacts? [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.8-4**

Please see Response 3.8-1.

**COMMENT 3.8-5**

As discussed at the December 1 meeting, the alternatives should be expanded to include less than 180 residential units and a lower high rise. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

**Response 3.8-5**

Examination of a lower density option was not included in the Final Scoping Document. The revised site development plans provided with the SDEIS and included as Appendix A of the SDEIS reflect a response to the Town's comments/concerns identified during the project work session conducted on December 1, 2008. As a result, the eight-story building has been removed, the buildings originally proposed along Partition Street were relocated to the southern portion of the property, and the total number of units has been reduced from 180 to 173.

### 3.9 Fiscal Resources

#### COMMENT 3.9-1

Section 3-9.5: The DEIS anticipates forty new schoolchildren. Please indicate in the DEIS how this figure was calculated. [City of Rensselaer, written comments dated December 4, 2008.]

#### Response 3.9-1

It is anticipated that the revised development plan will result in approximately 464 total residents including approximately 73 new school age children. This figure was calculated utilizing standard demographic multipliers based on housing type (rented vs. owned), and housing size (number of bedrooms) as suggested by *Rutgers University, Center for Urban Policy Research: Residential Demographic Multipliers*.<sup>5</sup> Table 10 exhibits the variables considered in determining the demographic multipliers for the proposed project. The calculated project generated population and number of school age children based on the demographic multipliers is shown in Table 11 below.

**Table 10: Demographic Multipliers by Housing Type and Size**

Housing Type	Housing Size	Multiplier According to Rutgers Study	
		<i>Persons Per Unit</i>	<i>School Age Children</i>
Rented	2 bedroom	2.31	0.23
	3 bedroom	3.81	1.00

**Table 11: Project Generated Population and Number of School Age Children**

Number of Bedrooms	Number of Units	Persons Per Unit	School Age Children Per Unit	Estimated Total Population	Total School Age Children
2	130	2.31	0.23	300	30
3	43	3.81	1.00	164	43
<b>Total</b>				<b>464</b>	<b>73</b>

<sup>5</sup> Burchell, Robert W., et al, "Residential Demographic Multipliers: Estimates of the Occupants of New Housing." Rutgers University, Center of Urban Policy Research. June 2006

#### **COMMENT 3.9-2**

Section 3.9 – Fiscal Resources: Do the assessed value and tax contribution estimates need to be revised based on recent changes in the real estate market? [City of Rensselaer, written comments dated December 4, 2008.]

##### **Response 3.9-2**

The fiscal impact analysis was revised to reflect changes in the project plan, which includes the change in the project from for-sale condominium units to rental apartment units. Please refer to the Section 3.9 “Fiscal resources” of the SDEIS for a complete discussion of the revised fiscal analysis and Appendix G of the SDEIS for a copy of the report.

Existing tax rates, assessed values, populations, and municipal and school district expenditures were updated with the most recent available data, and the revised project’s estimated tax revenue was recalculated based on revised population projections and a revised assessed value.

#### **COMMENT 3.9-3**

Identify the source for the market value numbers presented in this section of the DEIS. [Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.]

##### **Response 3.9-3**

The revised project no longer includes for-sale units. The Applicant provided an estimate of total construction cost of the revised project of approximately \$25,000,000. This number was used to determine the assessed value of the project and, consequently, the projected real property tax revenues.

#### **COMMENT 3.9-4**

I'm concerned with the number of proposed new students in the project. I had a very short amount of time to look at the overall plans, but the numbers seem kind of slim to me. That's an issue. The transportation piece with school bussing going through the facility is also an issue and I'd like to see those elaborated on or a little bit more information on that. [Gordon Reynolds, Superintendent of Rensselaer City School District, Public Hearing Transcript Page 40]

##### **Response 3.9-4**

Please refer to Response 3.9-1 for a discussion regarding the methodology used for determining the approximate number of new students. Based on the revisions of the

proposed project, it is anticipated that student enrollment will increase by up to 73 new students. Assuming a relatively equal grade level distribution it is anticipated that busses currently assigned to this region of the School District have existing capacity to transport the additional students.<sup>6</sup>

Currently, the closest bus stop to the project site is located at the corner of Partition Street and Cottage Hill Street.<sup>6</sup> According to the revised site plan, the proposed apartments are within a walking distance of approximately 0.25 to 0.4 mile away from the existing bus stop. This distance is within the preferred maximum distance of 0.5 miles.<sup>6</sup> Once the proposed development is complete, the district will evaluate the location of the bus stop and make adjustments accordingly; however, it is anticipated that the location of the existing bus stop is adequate.

---

<sup>6</sup> According to a conversation with Denise Connors, Transportation Supervisor of Rensselaer City School District, October 23, 2009.



## **4.0 Significant Adverse Unavoidable Impacts**

### **COMMENT 4-1**

Sect. 4.0 – Significant Adverse Unavoidable Impacts: There is an increase of impervious surface to 8.5 acres and an alteration of stormwater runoff characteristics. There is also an increase in traffic and in water and wastewater generation. These should be addressed. [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 4-1**

Adverse unavoidable impacts associated with the increase in impervious surfaces and changes to drainage patterns are discussed within the revised SWPPP. The increase in traffic is discussed in the TIS and the additional demand for water and wastewater services is evaluated in the Engineer's report for the project.

The revised project will result in an increase of impervious surface to 4.3 acres. Stormwater runoff from the increase in impervious surface will be detained by the proposed stormwater management wet pond and dry swale, which will reduce peak runoff to rates below existing conditions (see Appendix C) of the SDEIS. Therefore, the Stormwater Management Plan controls the anticipated increases in stormwater runoff rates resulting from the proposed development without adversely affecting downstream conditions. In addition, stormwater quality will be enhanced through the construction of the proposed stormwater management facilities, and the implementation of erosion and sediment control measures.

As described in the Traffic Impact Study (TIS) provided in DEIS Appendix 9.9, project generated traffic will not adversely affect local traffic conditions. All of the local study area intersections maintained good to acceptable (A-B) levels of service through the build condition. Therefore, the unavoidable increase in traffic is not considered significant.

The revised project will have a daily water demand of 49,456 gpd and a wastewater generation rate of 44,960 gpd. As described in the Engineer's Report for Water Supply and Distribution (Appendix D) and the Engineer's Report for Wastewater Management (Appendix E) existing facilities have adequate capacity to meet the demands of the project. Therefore, the unavoidable increase in water and wastewater generation is not considered a significant impact.

## **5.0 Alternatives**

### **COMMENT 5-1**

Alternatives – Section 5.0...no discussion of lower density only no-build and layout alternatives. [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 5-1**

The alternatives examined in the DEIS are consistent with the scoping document adopted by the Planning Board. Please refer to Response 1-5.

## **6.0 Irreversible and Irretrievable Commitment of Resources**

No comments were made pertaining to this section.

## **7.0 Growth Inducing Aspects**

### **COMMENT 7-1**

Section 7.0 – Stormwater Management Plan: This should be designed to a minimum of fifty year event. [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 7-1**

The proposed detention pond is designed to capture and detain runoff from a 100-year, 24-hour storm event, and release the runoff at a rate that is less than the existing condition.

### **COMMENT 7-2**

Section 7.4 – Table shows no increase in peak flow rates although 8.5 acres are now impermeable surface. Stormwater detention must be designed to 100 year storm. [City of Rensselaer, written comments dated December 4, 2008.]

#### **Response 7-2**

Please see Response 7-1.

## **8.0 Effects on the Use and Conservation of Energy Resources**

No comments were made pertaining to this section.

## **9.0 Appendices**

### *Section 9.2 (Correspondence)*

The following comments were all received from Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.

#### **COMMENT 9.2-1**

The response from the Police Department indicates that this project may potentially induce the need for one additional officer.

##### **Response 9.2-1**

As stated in the October 15, 2007 letter from Frederick M. Fusco, Chief of Police, the Common Council is charged with determining appropriate staffing levels for City of Rensselaer Police Department. Deputy Chief James R. Frankoski explains the potential need for an additional staffing in a letter dated September 3, 2008, which states that “*. . . the proposed project will not created the potential [need for] additional police services individually. I say this because there are other proposed projects that individually may not create a need but as a whole could create that need.*” The proposed project will generate additional tax revenue that could be used to increase staff levels at the City Police Department if determined necessary. The aforementioned letters were provided in DEIS Appendix 9.2 Correspondence.

#### **COMMENT 9.2-2**

The Police Department voiced concerns regarding the height of the condos interfering with the police and fire repeater that is stationed on Partition Street Extension. Has this been studied and confirmed to have no effect?

##### **Response 9.2-2**

The eight-story building has been removed and the site layout reconfigured. Refer to the revised development plans included as Appendix A of the SDEIS.

### *Section 9.4 (Geotechnical)*

The following comments were all received from Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.

#### **COMMENT 9.4-1**

This section of the DEIS should include a detailed discussion of the unique slope conditions found along the stream on the south end of the property (running east to west) and what, if any, proactive measures will be taken to prevent the potential future occurrence of slope failures. Therefore, in addition to the incorporation of a slope setback limit, it may be required that the performance of individual geotechnical evaluations be performed. This section of the DEIS should also include mandatory provisions for a detailed inspection and evaluation of the slope condition along this stream to be performed by a qualified professional geotechnical engineer or geologist on an annual or semi-annual basis.

#### **Response 9.4-1**

The Geotechnical Interpretive Report, dated August 4, 2006, identifies concerns relative to slope stability. In a letter to Mr. Sciocchetti dated March 1, 2007, Chazen indicates that adjustments were made to the building locations and proposed grading which will result in a stable slope with an acceptable safety factor. The Geotechnical Interpretive Report and March 1, 2007 letter were provided in DEIS Appendix 9.4 Geotechnical.

The revised plan further reduces the driving forces and increases the factor of safety against global slope failure. Additional geotechnical investigations will be necessary for the design of proposed retaining walls, and foundation designs for each building. Recommendations, inspections, and certifications by a qualified geotechnical engineer will be provided as part of the permitting and construction process.

### *Section 9.5 (Stormwater Pollution Prevention Plan)*

The SWPPP for the project has been designed in accordance with the requirements of the NYSDEC SPDES General Permit GP-0-08-001, which was to expire on April 30, 2010. On January 29, 2010, the NYSDEC issued General Permit GP-0-10-001, which replaces the previous permit. Throughout this document we have routinely referenced GP-0-08-001. This reference will be updated and the SWPPP modified at the time the FEIS is prepared.

The permit requirements include both water quality and quantity control objectives. At this time it is envisioned that these objectives will be met through the use of a micropool extended detention pond and a dry swale, in conformance with the New York State Stormwater Management Design Manual, dated April 2008. The NYSDEC is in the process of revising the Design Manual, which is scheduled to be complete in April 2010. The revisions include requirements to incorporate runoff reduction techniques. A SWPPP must be prepared using the revised version of the Design Manual beginning six (6) months from the final revision date. It is possible that the SWPPP for this project will need to include runoff reduction techniques. This determination can be made once the final revision to the Design Manual is issued, and prior to the City's acceptance of the SWPPP and submission of the Notice of Intent (NOI).

The following comments were received from Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.

#### **COMMENT 9.5-1**

Revise SWPPP and appendices to be in accordance with and references to the new permit. Use latest versions of NOI and NOT.

##### **Response 9.5-1**

The revised SWPPP (Appendix C of the SDEIS) has been updated to reference, GP-0-08-001, effective May 1, 2008, and the most current versions of the NOI and NOT. This reference will be updated, and the SWPPP modified, at the time the site plan submittal is made.

#### **COMMENT 9.5-2**

Address the increase in post stormwater runoff at Design Point 1. See section 3.7.

##### **Response 9.5-2**

The revised plan involves significantly less impervious area than the initial proposed development. The revised SWPPP and stormwater calculations indicate a reduction in peak runoff rates from the project site.

**COMMENT 9.5-3**

Revise inspection schedule per new permit.

**Response 9.5-3**

The revised SWPPP has been updated to reference the permit, GP-0-08-001, effective May 1, 2008, including the inspection frequency. This reference will be updated and the SWPPP modified for the site plan submittal.

**COMMENT 9.5-4**

Indicate a 24-hour emergency contact in case of a spill, etc.

**Response 9.5-4**

A representative of the contractor will be identified as the emergency contact once the construction contract is awarded.

**COMMENT 9.5-5**

Construction implementation schedule should have catch basin inlet protection in place before any site work occurs. Clarify if inlet controls are proposed on Partition Street catch basins.

**Response 9.5-5**

Additional requirements for construction phase activities will be provided during the site plan review and permitting process.

**COMMENT 9.5-6**

Construction implementation schedule does not address the townhouses, condos, final paving, utility companies, retaining walls, etc. Revise accordingly.

**Response 9.5-6**

Additional requirements for construction phase activities will be provided during the site plan review and permitting process.

**COMMENT 9.5-7**

Include provisions for daily street sweeping of City streets impacted by construction traffic.

**Response 9.5-7**

Additional requirements for construction phase activities will be provided during the site plan review and permitting process.

**COMMENT 9.5-8**

See previous comment (Section 3.1) regarding site stabilization.

**Response 9.5-8**

Construction will be in conformance with the requirements of the SWPPP and SPDES General Permit GP-0-10-001. In areas where construction activity has temporarily ceased, temporary site stabilization will be provided within 7 days from the date the soil disturbance activity ceased. Temporary stabilization will be provided with materials set forth in the New York Standards and Specifications for Erosion and Sediment Control. The materials can include mulch, temporary seed and mulch, and/or erosion control mats. Permanent stabilization will be provided with the establishment of a uniform perennial vegetative cover with a minimum density of 80% over the entire pervious surface.

**COMMENT 9.5-9**

No use of drainage swales is discussed, yet they are in the legend on Sheet SP-4. Is temporary swale south of stormwater pond realistic with grading.

**Response 9.5-9**

Temporary diversion swales are indicated where appropriate on the revised site development plans (see Appendix A of the SDEIS).

**COMMENT 9.5-10**

See previous comment (Section 3.2) regarding equipment wash-out area. This is typically located near the stabilized entrances. Indicate concrete truck wash-out stations.

**Response 9.5-10**

The revised plan designates an area for construction equipment cleaning. This area will be surrounded by a berm, and slope to a temporary sediment trap. The trap will be cleaned regularly, and material removed will be disposed of legally.

**COMMENT 9.5-11**

As earlier stated, several appendices to the SWPPP were not included in the DEIS. These require review and should be forwarded to our office at such a time as they become available.

Please ensure that both the pre and post site plans with relation to stormwater include: sub-catchment breakdowns with acreages, locations of design points, soils, Tc flow paths with lengths, permanent and temporary practices, location of construction fencing to indicate sensitive areas not to be disturbed, etc. Also include existing City drainage structures and culverts that will receive site discharge in the hydrologic model for both pre- and post-development conditions.

**Response 9.5-11**

A complete copy of the SWPPP, including all appendices, is included as Appendix C of the SDEIS. The revised plan involves significantly less impervious area than the initial proposed development. The revised SWPPP and stormwater calculations indicate a reduction in peak runoff rates from the project site. Therefore, this project will have no negative impacts to the receiving drainage system.

**COMMENT 9.5-12**

The report and Sheet SD6 conflict with regard to the pond bottom elevation.

**Response 9.5-12**

The revised plan and SWPPP indicate the new proposed pond bottom elevation.

**COMMENT 9.5-13**

The NOI states that more than 5 acres of the site will be disturbed at any one time. Provide correspondence from the NYSDEC that permits this disturbance. Disturbing more than 5 acres at any one time has more stringent inspection requirements under the revised permit and requires DEC approval via a variance application. If more than 5 acres of the site is to be disturbed at any one time, the Owner/Operator must comply with NYSDEC section II.C.3 of GP-0-08-001 and regional directives.



**Response 9.5-13**

According to section II.C.3 of GP-0-08-001, the MS4 can authorize disturbance of more than 5-acres at one time. A construction phasing plan and a written request for approval will be provided during the site plan review process.

**COMMENT 9.5-14**

The soils stated in the NOI do not appear to match what is stated in the SWPPP. Is "D" soil the landfill cap?

**Response 9.5-14**

The soils in hydrologic group D are RhA and RhB (Rhinebeck silt loam), and exist in the watershed upland of the project site. The soil data presented in the SWPPP has been revised to include these soil groups as part of the study area. Question # 9 in the NOI refers to the site; therefore, the percentages identified have been revised to include only those soils present on the site, and do not include soils in group D.

**COMMENT 9.5-15**

The NOI states that the water quantity/quality controls are not designed in accordance with technical standards. As this is the case, comments are required at the end of the NOI, however no comments were provided. There is also no discussion in the SWPPP regarding this. Provide additional discussion and information regarding alternatives, site limitations, pond lining and maintenance needs in both the SWPPP and NOI.

**Response 9.5-15**

The revised plan includes water quality/quantity controls that have been designed in accordance with technical standards. Small areas of new impervious surfaces will not be routed through the water quality controls. A discussion of this is presented in the SWPPP and comments are provided in the NOI.

**COMMENT 9.5-16**

The pre and post development numbers in the NOI do not match what is stated in the SWPPP.

**Response 9.5-16**

The NOI has been corrected. The revised SWPPP and stormwater calculations indicate a reduction in peak runoff rates from the project site. Therefore, this project will have no negative impacts to the receiving drainage system.

**COMMENT 9.5-17**

The number of permanent stormwater management practices in the NOI is not clearly illustrated in the SWPPP or engineering plans. Revise accordingly.

**Response 9.5-17**

The number of permanent stormwater management practices referenced in the NOI are shown on the revised plans and are included in the revised SWPPP.

**COMMENT 9.5-18**

Add MS4 SWPPP acceptance form.

**Response 9.5-18**

The revised SWPPP includes an MS4 acceptance form for the City's consideration.

**COMMENT 9.5-19**

Incorporate inspection measures for temporary suspension of construction activities.

**Response 9.5-19**

The revised SWPPP is provided in Appendix C of the SDEIS.

**COMMENT 9.5-20**

New permit requires records to be on file for five (5) years rather than three (3) years. Revise accordingly.

**Response 9.5-20**

The revised SWPPP has been updated in accordance with SPDES General Permit GP-0-08-001 and will again be updated in conformance with GP-0-10-001 at site plan review.

**COMMENT 9.5-21**

Revise phasing plan to include major items of construction, including, but not limited to, erosion control.

**Response 9.5-21**

A detailed construction phasing plan will be provided during the site plan review process as part of the request to disturb more than 5-acres at one time.

**COMMENT 9.5-22**

Provide details on hydrodynamic separator. Provide sizing computations. Consider pretreatment.

**Response 9.5-22**

The revised plan does not include a hydrodynamic separator. Additional details of stormwater management facilities will be provided during the site plan review process.

**COMMENT 9.5-23**

Appendix D appears to be in conflict with the description of site stabilization as identified in the SWPPP.

**Response 9.5-23**

The revised SWPPP has been updated in accordance with SPDES General Permit GP-0-08-001 and will again be updated in conformance with GP-0-10-001 at site plan review.

**COMMENT 9.5-24**

Specific maintenance criteria for each stormwater control, as well as schedule and responsible party should be identified per Part III B.2.g of GP-0-08-001.

**Response 9.5-24**

The revised SWPPP has been updated in accordance with SPDES General Permit GP-0-08-001 and will again be updated in conformance with GP-0-10-001 at site plan review.

**COMMENT 9.5-25**

Provide all design calculations, appendices I, J, K, and L.

**Response 9.5-25**

A complete copy of the SWPPP, including all appendices, is included in Appendix C of the SDEIS.

**COMMENT 9.5-26**

The SWPPP states that concrete blocks will be used for catch basin inlet protection, yet the plan details indicate filter fabric inlet protection.

**Response 9.5-26**

The revised plan indicates stone and block drop inlet protection, consistent with the SWPPP.

**COMMENT 9.5-27**

As discussed at the December 1 meeting, the NYSDEC stormwater regulations apply in concert with local City MS4 regulations. The potential of reducing peak discharges from the property via the proposed stormwater pond for the 10-year and 100-year storm events was discussed.

**Response 9.5-27**

The revised plan involves significantly less impervious area than the initial proposed development. The revised SWPPP and stormwater calculations indicate a reduction in peak runoff rates from the project site. Therefore, this project will not have a negative impact to the receiving drainage system.

The following comments were received from the City of Rensselaer Planning Board, written comments dated December 4, 2008.

SWPPP:

**COMMENT 9.5-28**

Section 4.0 – Page 9: Construction sequencing seems to deal primarily with roadway construction. Will temporary measures be removed before construction of building units?

**Response 9.5-28**

Construction of building foundations has been added to the construction sequencing. This will occur prior to removal of temporary erosion & sediment control measures.

**COMMENT 9.5-29**

Section 4.0 – Page 9: No location map (Figure 1) was provided in Appendix H. The engineering plans in appendix 9.6 do not show Design Points or watershed information (should be included in Section 3.2).

**Response 9.5-29**

A complete copy of the SWPPP, including all appendices, is included as Appendix C of the SDEIS. Appendices to the SWPPP include a site location map and watershed delineation mapping.

**COMMENT 9.5-30**

Section 5.6 – Page 14: This section does not address flows from the east, uphill along Partition Street from East Greenbush. The unnamed tributary is Quackenderry Creek.

**Response 9.5-30**

It is the intent that flows from uphill be conveyed around or through the project site. No changes to the existing condition are proposed. References to the unnamed tributary have been revised to reference Quackenderry Creek.

**COMMENT 9.5-31**

Section 7.1.1 – Page 26: Could drainage from this portion of the site be collected in swales along the east side of Cottage Hill Street and conveyed to the existing stormwater culverts at the end of the street and could this also handle/incorporate the interrupted drainage along Partition Street?

**Response 9.5-31**

It is the intent that flows from uphill be conveyed around or through the project site. No changes to the existing condition are proposed.

**COMMENT 9.5-32**

Section 7.2.2 – Page 27: Does table 3 indicate that the 100 year event was not modeled for the storm sewer system?

**Response 9.5-32**

The proposed detention pond is designed to capture and detain runoff from a 100-year, 24-hour storm event, and release the runoff at a rate that is less than the existing condition.

***Section 9.6 (Engineering Plans)***

The following comments were all received from Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.

Many of the following series of the comments focus on required revisions to the site plan drawings that will be required to satisfy the City's Site Plan Review Process; these revisions are not requisite to address the SEQR review. Where this is the case the response: "This issue will be addressed during site plan review" is provide.

**Sheet SP2 (Subdivision Plan)****COMMENT 9.6-1**

It appears that land surrounding the landfill, but not directly related to roads and parking areas, will be conveyed to the City. Please confirm which lands are to be conveyed to the City.

**Response 9.6-1**

The revised plan does not include any property proposed to be dedicated to the City. The property is proposed to remain one parcel.

Sheet SP3 (Site Plan)

**COMMENT 9.6-2**

Townhouses on Partition Street are not within the building envelope/setback lines. Provide verification that this variance has been permitted by the City.

**Response 9.6-2**

The revised site development plans do not include townhomes along Partition Street (Appendix A of the SDEIS).

**COMMENT 9.6-3**

Access routes from parking spots seem limited (no room to unload a car or park a moving van). Indicate curb cuts to the internal sidewalk.

**Response 9.6-3**

This issue will be addressed during site plan review.

**COMMENT 9.6-4**

Will plowing activities in Driveways 3 and 4 block or impede emergency vehicle access?

**Response 9.6-4**

This issue will be addressed during site plan review.

**COMMENT 9.6-5**

A guide rail along the entrance from Cottage Hill may be required.

**Response 9.6-5**

The entrance from Cottage Hill Street has been removed from the plans.

**COMMENT 9.6-6**

The set of 24 condos does not appear to have a direct and convenient pedestrian crossing to the park.

**Response 9.6-6**

This issue will be addressed during site plan review.

**COMMENT 9.6-7**

The end of the retaining wall on the southeast end of the landfill is within the limits of the existing closed landfill, which indicates that the landfill will be disturbed. Will foundation penetrate cap?

**Response 9.6-7**

The revised site development plans do not include a retaining wall along the landfill limit (see Appendix A of the SDEIS).

**COMMENT 9.6-8**

Consider lighting the stairs on the east side of Driveway 2. This stairway will be below grade and does not appear that it will be well lit. Ultimately, a photometric plan will be required.

**Response 9.6-8**

To be addressed during site plan review.

**COMMENT 9.6-9**

It is unclear as to why the entire area behind the condos requires paving (adjacent to each retaining wall).

**Response 9.6-9**

To be addressed during site plan review.

**COMMENT 9.6-10**

The dumpster in Driveway 3 appears as though it may interfere with hydrant access.

**Response 9.6-10**

To be addressed during site plan review.



**COMMENT 9.6-11**

Indicate the locations of monuments (as referred to in the notes)

**Response 9.6-11**

To be addressed during site plan review.

**COMMENT 9.6-12**

There are 90 additional parking spaces than what the City requires. Is this for the park and overflow parking?

**Response 9.6-12**

The revised site development plan provides 260 parking spaces as required by the R-3 District of the City Zoning Code (see Appendix G of the SDEIS).

**COMMENT 9.6-13**

Parking spots behind the townhouses appear to be shorter than standard parking spots.

**Response 9.6-13**

The townhomes along Partition Street have been removed from the plan. Please refer to the revised site development plans.

**COMMENT 9.6-14**

Provide notes regarding comprehensive and cautionary language for all phases of construction activity that may interface explosive gases, gas monitoring, safety needs, and emergency conditions.

**Response 9.6-14**

To be addressed during site plan review.

**COMMENT 9.6-15**

Area variances are required for the townhouses fronting Partition Street as they do not meet setback requirements and one building may be on City property.

**Response 9.6-15**

The townhomes along Partition Street have been removed from the plan. See revised plan.

Sheet SP4 (Grading and Drainage Plan)

**COMMENT 9.6-16**

The proposed work limit is not clearly indicated on the plans. Please indicate.

**Response 9.6-16**

The revised grading plan indicates the proposed work limit.

**COMMENT 9.6-17**

Safety rails will be required on retaining walls of certain heights per code requirements.

**Response 9.6-17**

To be addressed during site plan review.

**COMMENT 9.6-18**

Some areas are missing grade lines and critical areas will require spot elevations as well as labels on the contours (i.e. parking lot, pond, sidewalks, etc.).

**Response 9.6-18**

To be addressed during site plan review.

**COMMENT 9.6-19**

The parking lot for the eight-story building may be difficult to grade as indicated. As ponding may occur here and on other walkable and drivable surfaces, consider additional catch basins.

**Response 9.6-19**

To be addressed during site plan review.

**COMMENT 9.6-20**

Bollards may be required at the bottom of steep driving surfaces (i.e. emergency access routes). Wider provisions for fire trucks turning at the bottom of the slopes may be needed and consistent cross slope (to the north) of no greater than 3% are necessary.

**Response 9.6-20**

To be addressed during site plan review.

**COMMENT 9.6-21**

The height of all retaining walls should be identified on either the grading plan or a separate retaining wall plan (i.e. top of wall and bottom of wall elevations at the high and low points).

**Response 9.6-21**

The height of all proposed retaining walls are shown on the revised site development plans.

**COMMENT 9.6-22**

Given the assumed height of the walls and restrictions on the backside of some of them, the fabric tie-in may not be feasible. Additionally, tying back the segmental block retaining wall located on the backside of the townhouses along Partition Street may present significant disturbance of the landfill perimeter. This may dictate retaining wall material/system.

**Response 9.6-22**

The townhomes along Partition Street have been removed from the plan, along with the proposed road and long retaining wall. See revised plan. Detailed designs of other proposed retaining walls will be provided during the site plan review process.

**COMMENT 9.6-23**

Consider altering the grading of the road near the parallel parking spots so that water isn't channelized on the driver's side. This may present safety hazards and potential freezing in a susceptible location.

**Response 9.6-23**

To be addressed during site plan review.

**COMMENT 9.6-24**

Cascade grates are recommended on slopes greater than 9%. These styles have been used on steep streets elsewhere in the City. Verify if bicycle safety is an issue with styles available.

**Response 9.6-24**

To be addressed during site plan review.

**COMMENT 9.6-25**

The cross sectional slope on driveways 3 and 4 appear to be aggressive (6%). This may prove dangerous for emergency vehicles and during slippery conditions.

**Response 9.6-25**

To be addressed during site plan review.

*Sheet SP5 (Erosion and Sediment Control Plan)*

**COMMENT 9.6-26**

Use erosion control blanket on the east side of the site.

**Response 9.6-26**

To be addressed during site plan review.

**COMMENT 9.6-27**

A concrete and equipment wash-out area is needed.

**Response 9.6-27**

The revised plan designates an area for construction equipment cleaning. This area will be surrounded by a berm, and slope to a temporary sediment trap. The trap will be cleaned regularly, and material removed will be disposed of legally.

**COMMENT 9.6-28**

Instead of silt fence, consider utilizing erosion control matting along the slope of the landfill to minimize disturbance of the cap. Also consider erosion control matting or erosion control fiber logs rather than silt fence.

**Response 9.6-28**

To be addressed during site plan review.

**COMMENT 9.6-29**

Temporary check dams should be added to the roadside drainage way during construction. Steep slope areas may require alternative means to limit erosion, particularly if the construction schedule spans a significant period until roads are paved.

**Response 9.6-29**

To be addressed during site plan review.

Sheet SP6 (Utility Plan)

**COMMENT 9.6-30**

There is no hydrant on the water line along the southwest side of the landfill.

**Response 9.6-30**

To be addressed during site plan review.

**COMMENT 9.6-31**

For sewers with a velocity greater than 15%, special provisions should be taken to protect against displacement by erosion and impact. Provide verification that these provisions have been taken into consideration when necessary.

**Response 9.6-31**

To be addressed during site plan review.

**COMMENT 9.6-32**

Water and sewer have less than the required horizontal separation on the east side of the basin. Proper provisions should be taken per 10-States Standards.

**Response 9.6-32**

Water and sewer lines shown on the revised plans have the minimum required horizontal separation distance.

**COMMENT 9.6-33**

There are two SMH 13 shown on the plans.

**Response 9.6-33**

To be addressed during site plan review.

**COMMENT 9.6-34**

Connection of sanitary laterals to the end of the sanitary sewer does not appear reasonably feasible. Consider extending the sanitary sewer to the last townhouse/condo on the driveways.

**Response 9.6-34**

To be addressed during site plan review.

**COMMENT 9.6-35**

Where will retaining wall drainage pipes outlet to?

**Response 9.6-35**

To be addressed during site plan review.

**COMMENT 9.6-36**

Where does the Vort Sentry outlet to?

**Response 9.6-36**

The Vort Sentry has been removed from the plans.

**COMMENT 9.6-37**

Where does the outlet to CB 47 go?

**Response 9.6-37**

To be addressed during site plan review.

**COMMENT 9.6-38**

Show existing grades in paved areas, buildings, the pond, etc.

**Response 9.6-38**

To be addressed during site plan review.

**COMMENT 9.6-39**

For clarification, differentiate the line types for 10-foot contours.

**Response 9.6-39**

To be addressed during site plan review.

**COMMENT 9.6-40**

Revise DMH table, as it indicates two DMH 8, 9, and 10.

**Response 9.6-40**

To be addressed during site plan review.

*Sheet LS1 (Landscaping and Lighting Plan)*

**COMMENT 9.6-41**

Consider additional diversity in the selection of trees (i.e. oaks, beech, etc.)

**Response 9.6-41**

To be addressed during site plan review.

**COMMENT 9.6-42**

Some trees appear to conflict with hydrants.

**Response 9.6-42**

To be addressed during site plan review.

Sheet PP1 (Plan and Profile Road "A" Station: 0+00 to 8+00)

**COMMENT 9.6-43**

Catch basin 30 appears to be very close to the water line.

**Response 9.6-43**

To be addressed during site plan review.

Sheet SD1 (Site Details)

**COMMENT 9.6-44**

Include details for retaining wall design. Although typically addressed in later design phases, close proximity to the environmentally sensitive landfill will need to be addressed.

**Response 9.6-44**

The townhomes along Partition Street have been removed from the plan, along with the proposed road and long retaining wall. See revised plan.

Sheet SD4A (Erosion and Sediment Control Details)

**COMMENT 9.6-45**

Match Detail 9 to the NYS Standards and Specifications for Erosion and Sediment Control.

**Response 9.6-45**

To be addressed during site plan review.

**COMMENT 9.6-46**

Detail 5 states that the specifications for vegetative cover are shown on the same sheet. Please verify.

**Response 9.6-46**

To be addressed during site plan review.



**COMMENT 9.6-47**

Show the anchoring detail at the bottom of the slope in Detail 11.

**Response 9.6-47**

To be addressed during site plan review.

Sheet SD4B (Erosion and Sediment Control Notes)

**COMMENT 9.6-48**

Revise sheet per new permit and carry previous comments through to this sheet when applicable.

**Response 9.6-48**

To be addressed during site plan review.

Sheet SD6 (Storm Sewer Details)

**COMMENT 9.6-49**

The emergency spillway is not located on undisturbed land as required. Area appears to require fill. Ensure that the stormwater management basin is designed per DEC manual "Guidelines for Design of Dams" as well as the "New York State Stormwater Management Design Manual". Address this in the Geotechnical Report.

**Response 9.6-49**

To be addressed during site plan review.

**COMMENT 9.6-50**

There appear to be susceptible residences on the other side of the emergency spillway. Ensure that an overflow will not negatively impact adjacent residents and the neighborhood downstream of the site.

**Response 9.6-50**

The revised SWPPP and stormwater calculations indicate a reduction in peak runoff rates from the project site at this location. The stormwater pond is designed to detain runoff from up to the 100-year 24-hour storm without discharging over the emergency spillway.

**COMMENT 9.6-51**

There does not appear to be a pond drain.

**Response 9.6-51**

To be addressed during site plan review.

**COMMENT 9.6-52**

The pond short circuits. Can the outlet structure be relocated further south? Revise design accordingly.

**Response 9.6-52**

The outlet of the stormwater pond is shown discharging to the duplex 24" RCP culverts that cross Cottage Hill Street. This appears to be the appropriate location for the outlet.

**COMMENT 9.6-53**

Indicate limits of construction fencing.

**Response 9.6-53**

Limits of construction fencing are depicted on the revised site development plan.

***Section 9.7 (Wetland Delineation and Endangered Species Report)***

The following comments were all received from Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.

**COMMENT 9.7-1**

Do the Class C streams have additional associated standards (i.e. CT)?

**Response 9.7-1**

The Quackenderry Creek is classified by the NYSDEC as a Class C stream as indicated in the SWPPP.

**COMMENT 9.7-2**

Maps are illegible. Provide improved versions.

**Response 9.7-2**

A full-size copy of the wetland map is provided in Appendix F of the SDEIS.

***Section 9.9 (Traffic Impact Study)***

The following comments were all received from Mr. Stephen B. LeFevre, Barton & Loguidice, PC, written comment letter dated December 4, 2008.

**COMMENT 9.9-1**

Page 25 of the TIS and #4 on page 28 of the TIS: The TIS describes the site distance at Driveway #2 as being reasonable for a 20 mph approach speed and not being critically limited. These are reasonable assumptions given the dead-end condition on Cottage. However, should a future connection to Willow be made, thus eliminating the dead-end, the approach speeds to Cottage will likely increase to a point where sight distance will be critically limited when looking left at Site driveway #2. This will need to be addressed by the City prior to any future connections between Willow and Cottage.

**Response 9.9-1**

The revised plan does not include an intersection with Cottage Hill Street. All traffic will enter and exit the site from Partition Street.

**COMMENT 9.9-2**

Page 25 of the TIS and #3 on page 28 of the TIS: The vegetation along the south side of Partition Street will need to be cleared as stated in the TIS. How is the vegetation going to be maintained in the future when it grows back? Who owns the property and who will be responsible for removing the vegetation on a regular basis to maintain adequate sight distance?

**Response 9.9-2**

Clearing and maintaining the vegetation within the roadway right-of-way is typically the responsibility of the local roadway owner.

**COMMENT 9.9-3**

Address NYSDOT concerns and subsequent recommendations regarding incorporation of the nearby U.W. Marx project at the old high school.

**Response 9.9-3**

Please refer to Response 3.6-